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## **EPA Morning News Highlights 01.10.18**

### **Reuters: Exclusive: Trump's EPA aims to replace Obama-era climate, water regs in 2018**

A top EPA priority for 2018 is to replace the Obama-era Clean Power Plan which would have slashed carbon emissions from power plants. The U.S. Environmental Protection Agency will replace Obama-era carbon and clean water regulations and open up a national debate on climate change in 2018, part of a list of priorities for the year that also includes fighting lead contamination in public drinking water.

### **NewsOK: Contaminated Eagle Industries site in Midwest City added to EPA priorities list**

A contaminated industrial site along Midwest City's border with Oklahoma City was added Tuesday to the Environmental Protection Agency's national priorities list for Superfund site. The designation signifies the site is one of the nation's most severely polluted parcels of land. Soil and groundwater around the former Eagle Industries property at 10901 SE 29th St. are contaminated with trichloroethylene and dichloroethane, according to Oklahoma Department of Environmental Quality investigators.

### **Miami News Record: Tar Creek Superfund Site Makes Pruitt's Priority List**

The Tar Creek Superfund Site made U.S. EPA Administrator Scott Pruitt's list of Superfund Sites Targeted for Immediate and Intense Action, but no commitment of additional funding is associated with the site's inclusion on the list. The Tar Creek Superfund Site is included on a list of 21 sites across the nation making the list. The EPA considered sites that could benefit from Pruitt's direct engagement and sites that have identifiable actions to protect human health and the environment.

### **Times Free Press: Local Site Proposed for List of Country's Most Toxic Places**

A local site composed of residential properties, including areas used by children, has been proposed to be put on a list of the country's most toxic places. The Southside Chattanooga Lead Site is one of 10 sites across the country recommended to be added to the Superfund Program's National Priorities List by the Environmental Protection Agency.

### **US News: Michigan Sets Standard for Chemical Contaminant in Water**

Michigan regulators on Tuesday set a state threshold for chemicals that were once widely used and are being found in drinking water, a move they said will let them issue violation notices and take legal action if needed. The announcement is the latest as Republican Gov. Rick Snyder's administration scrambles to combat potential health risks in tap water that stem from the chemicals used in firefighting, waterproofing, carpeting and other products.

### **Newark Post: EPA Adds Contaminated Newark Site to Superfund List**

The Environmental Protection Agency has agreed to add a site in Newark to the National Priorities List – a list of contaminated sites eligible for remedial action financed under the federal Superfund program. The agency will conduct a remedial investigation and feasibility study to determine the extent of contamination and evaluate various cleanup options, a spokesperson said.

### **National Morning News Highlights 01.10.18**

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### **Los Angeles Times: At least 13 dead as heavy rains trigger flooding, mudflows and freeway closures across Southern California**

At least 13 people were killed Tuesday when a rainstorm sent mud and debris coursing through Montecito neighborhoods and left rescue crews to scramble through clogged roadways and downed trees to search for victims. The deluge that washed over Santa Barbara County early Tuesday was devastating for a community that was ravaged by the Thomas fire only a few weeks earlier. In just a matter of minutes, pounding rain overwhelmed the south-facing slopes above Montecito and flooded a creek that leads to the ocean, sending mud and massive boulders rolling into residential neighborhoods, according to Santa Barbara County Fire Department spokesman Mike Eliason.

### Fox News: US Oks selling Japan missiles to shoot down North Korean missiles

The Trump administration has approved a \$133.3 million missile defense sale to Japan to meet the escalating threat from North Korea — by shooting down the rogue nation's own ballistic missiles. The State Department says Congress was notified Tuesday of the proposed sale of four missiles for the SM-3 Block IIA interceptor.

### CNBC: China is reportedly thinking of halting US Treasury purchases and that's worrying markets right now

China, the United States' biggest buyer of sovereign bonds, could be slowing down or even halting its purchases, according to a report. Bloomberg News reported Wednesday, citing people familiar with the matter, that officials in Beijing have recommended the Chinese government lowers — or even stops — its buying of U.S. sovereign debt.

### Wall Street Journal: Amid signs of a thaw in North Korea, Tensions bubble up

A tentative move toward diplomacy over the confrontation with North Korea has begun, though that hardly means the tension is evaporating. In a village on their heavily militarized border, North and South Korean officials opened talks Tuesday, ostensibly over possible North Korean participation in the coming South Korean Olympics. South Korea would like the talks to expand beyond that, toward finding broader ways to lower tensions.

## Reuters

<http://news.trust.org/item/20180110023844-vd9k3/>

### **Exclusive: Trump's EPA aims to replace Obama-era climate, water regs in 2018**

By: Valerie Volcovici and David Shepardson, 1/9/18

A top EPA priority for 2018 is to replace the Obama-era Clean Power Plan which would have slashed carbon emissions from power plants

The U.S. Environmental Protection Agency will replace Obama-era carbon and clean water regulations and open up a national debate on climate change in 2018, part of a list of priorities for the year that also includes fighting lead contamination in public drinking water.

The agenda, laid out by EPA Administrator Scott Pruitt in an exclusive interview with Reuters on Tuesday, marks an extension of the agency's efforts under President Donald Trump to weaken or kill regulations the administration believes are too broad and harm economic growth, but which environmentalists say are critical to human health.

"The climate is changing. That's not the debate. The debate is how do we know what the ideal surface temperature is in 2100?... I think the American people deserve an open honest transparent discussion about those things," said Pruitt, who has frequently cast doubt on the causes and implications of global warming.

Pruitt reaffirmed plans for the EPA to host a public debate on climate science sometime this year that would pit climate change doubters against other climate scientists, but he provided no further details on timing or which scientists would be involved.

Pruitt said among the EPA's top priorities for 2018 will be to replace the Clean Power Plan, former President Barack Obama's centerpiece climate change regulation which would have slashed carbon emissions from power plants. The EPA began the process of rescinding the regulation last year and is taking input on what should replace it.

"A proposed rule will come out this year and then a final rule will come out sometime this year," he said. He did not give any details on what the rule could look like, saying the agency was still soliciting comments from stakeholders.

He said the agency was also planning to rewrite the Waters of the United States rule, another Obama-era regulation, this one defining which U.S. waterways are protected under federal law. Pruitt and Trump have said the rule marked an overreach by including streams that are shallow, narrow, or sometimes completely dry - and was choking off energy development.



Pruitt said that in both cases, former President Barack Obama had made the rules by executive order, and without Congress. "We only have the authority that Congress gives us," Pruitt said.

Pruitt's plans to replace the Clean Power Plan have raised concerns by attorneys general of states like California and New York, who said in comments submitted to the EPA on Tuesday that the administrator should recuse himself because as Oklahoma attorney general he led legal challenges against it.

## BIOFUELS AND STAFF CUTS

Pruitt said he hoped for legislative reform of the U.S. biofuels policy this year, calling it "substantially needed and important" because of the costs the regulation imposes on oil refiners.

The Renewable Fuel Standard, ushered in by former President George W. Bush as a way to help U.S. farmers, requires refiners to blend increasing amounts of biofuels like corn-based ethanol into the nation's fuel supply every year.

Refining companies say the EPA-administered policy costs them hundreds of millions of dollars annually and threatens to put some plants out of business. But their proposals to change the program have so far been rejected by the Trump administration under pressure from the corn lobby.

The EPA in November slightly raised biofuels volumes mandates for 2018, after previously opening the door to cuts.

The White House is now mediating talks on the issue between representatives of both sides, with input from EPA, and some Republican senators from states representing refineries are working on possible legislation to overhaul the program.

Pruitt said he also hoped Congress could produce an infrastructure package this year that would include replacing municipal water pipes, as a way of combating high lead levels in certain parts of the United States.

"That to me is something very tangible very important that we can achieve for the American people," he said.

Pruitt added that EPA also continuing its review of automobile fuel efficiency rules, and would be headed to California soon for more meetings with the California Air Resources Board to discuss them.

California in 2011 agreed to adopt the federal vehicle emission rules through 2025, but has signaled it would opt out of the standards if they are weakened – a move that would complicate matters for automakers serving the huge California market.

In the meantime, Pruitt said EPA is continuing to reduce the size of its staff, which fell to 14,162 employees as of Jan. 3, the lowest it has been since 1998, under Ronald Reagan when the employment level was 14,400. The EPA employed about 15,000 when Obama left office.

Nearly 50 percent of the EPA will be eligible to retire within the next five years, according to the agency.

## NewsOK

<http://newsok.com/contaminated-eagle-industries-site-in-midwest-city-added-to-epa-priorities-list/article/5578891>

### **Contaminated Eagle Industries site in Midwest City added to EPA priorities list**

By: Justin Wingerter, 1/9/18

A contaminated industrial site along Midwest City's border with Oklahoma City was added Tuesday to the Environmental Protection Agency's national priorities list for Superfund site.

The designation signifies the site is one of the nation's most severely polluted parcels of land. Soil and groundwater around the former Eagle Industries property at 10901 SE 29th St. are contaminated with trichloroethylene and dichloroethane, according to Oklahoma Department of Environmental Quality investigators.

"Groundwater resources at the site and the surrounding area are threatened by the contamination," the EPA wrote in a memo Tuesday. "(Trichloroethylene) has been found in off-site private drinking water wells. The site is an area of recharge for the Central Oklahoma aquifer system, which is a major source of groundwater in Central Oklahoma."

Contamination at Eagle Industries was first discovered in 2003. The company, which had dumped contaminants in violation of state law, closed in 2010 without paying a fine.

The EPA announced in early August it would consider adding Eagle to its national priorities list at the request of Gov. Mary Fallin. Several months of public comment followed, leading to Tuesday's announcement.

"Once again, Administrator (Scott) Pruitt is making it clear that he's focused on protecting the environment by partnering with states to clean up contaminated sites in local communities," said U.S. Sen. Jim Inhofe, R-Tulsa.

"By adding the Eagle Industries site in Oklahoma City to the National Priorities List, it will give the site increased attention for long-term clean-up efforts and focus on revitalizing the area for development and economic activity," he added.

The adverse public health ramifications of Eagle's illegal actions have not dissipated. Trichloroethylene, or TCE, has been found within nearby residential water wells. State investigators distributed a fact sheet to residents that stated TCE "may cause nervous system

effects, liver and lung damage, abnormal heartbeat, coma and possibly death.”

“It is clear that the TCE is migrating, with the likelihood of affecting approximately 30 additional residences and businesses,” stated an internal DEQ memo obtained by The Oklahoman in an open records request. “Eagle Industries lies in Midwest City. The plume of pollution is flowing into Oklahoma City.”

On Tuesday, the EPA wrote, "There are currently no readily available alternative drinking water sources for the 18 family homes south of Eagle Industries."

“Today's action ensures the necessary resources are available for effective and safe revitalization of some of the most contaminated sites across the country,” Pruitt said in a statement.

EPA cleanup efforts could eventually extend to a second Eagle site, where the company operated for decades, beginning in 1957. Since an investigation by The Oklahoman found Eagle employees may have also dumped trichloroethylene at the site, 8828 SE 29th St., state investigators and Midwest City have agreed to test the soil and groundwater there. The property is owned by Midwest City.

Rita Kottke, an environmental programs director at DEQ, told Midwest City council members last month that EPA headquarters in Washington had shown an interest in the 8828 site. The EPA contacted DEQ and pushed them to conduct environmental testing, the first step in the Superfund process, according to Kottke.

When soil and groundwater tests are complete in the coming months, several outcomes are possible. The tests could find no cause for concern, allowing Midwest City to develop the 8828 site and attract a grocery store or other retail opportunity. The tests could find minor contamination curative with soil extraction and other actions. Or the tests could find dire contamination requiring massive EPA action.

## Miami News Record

<http://www.miamiok.com/news/20180109/tar-creek-superfund-site-makes-pruitts-priority-list>

## **Tar Creek Superfund Site Makes Pruitt's Priority List**

By: Melinda Stotts, 1/9/18

The Superfund list came in direct response to the EPA's Superfund Task Force Recommendations issued in July of 2017.

MIAMI – The Tar Creek Superfund Site made U.S. EPA Administrator Scott Pruitt's list of Superfund Sites Targeted for Immediate and Intense Action, but no commitment of additional funding is associated with the site's inclusion on the list.

The Tar Creek Superfund Site is included on a list of 21 sites across the nation making the list.

The EPA considered sites that could benefit from Pruitt's direct engagement and sites that have identifiable actions to protect human health and the environment.

The listed sites require timely resolution of specific issues to expedite cleanup and redevelopment efforts, according to the EPA's press release, and the list is designed to spur action at sites where opportunities exist to act quickly and comprehensively.

The Superfund list came in direct response to the EPA's Superfund Task Force Recommendations issued in July of 2017.

According to the EPA, Pruitt will receive regular updates on the listed sites, but the EPA remains dedicated to addressing the risks of all Superfund sites.

There are currently more than 1,300 Superfund sites on EPA's National Priorities List at various stages in the cleanup process

The Task Force recommendations are aimed at expediting cleanup at all sites and Pruitt has set the expectation of a renewed focus on accelerating work and progress.

The list released on Dec. 8 includes the following U.S. Superfund Sites Mohawk Tannery in Nashua, New Hampshire, Centredale Manor Restoration Project in North Providence in Rhode Island, American Cyanamid Co. in Bound Brook, New Jersey, Diamond Alkali Co. (aka Upper Lower Passaic) Newark, New Jersey, Ventron/Velsicol (aka Berry's Creek) in Wood Ridge Borough, New Jersey, L.A. Clarke & Son in Spotsylvania, Virginia, B.F. Goodrich in Calvert City, Kentucky, Mississippi Phosphates Corporation in Pascagoula, Mississippi, U.S. Smelter and Lead Refinery Inc. (aka USS Lead or East Chicago) in East Chicago, Indiana, Allied Paper Inc./Portage Creek/Kalamazoo River in Kalamazoo, Michigan, Tar Creek (Ottawa County) in Ottawa County, Oklahoma, San Jacinto Waste Pits in Channelview, Texas, Des Moines TCE (aka Dico Company) in Des Moines, Iowa, West Lake Landfill in Bridgeton, Missouri, Bonita Peak Mining District in San Juan County, Colorado, Anaconda Co. Smelter in Anaconda, Montana, Silver Bow Creek/Butte Area I Butte, Montana, Orange County North Basin in Fullerton, California, Anaconda Copper Mine in Lyon County, Nevada, Portland Harbor in Portland, Oregon and Quendall Terminal in Renton, Washington.

All 21 sites have been designated the nation's Superfund sites for years, some for decades. Tar Creek was first officially designated a Superfund in 1983.

Millions and millions, well over \$300 million, of federal funding has been expended for cleanup and buyout of the Tar Creek Superfund Site which continues today and is expected to continue for more decades to come.

Pruitt is a former Oklahoma state senator and served the state as attorney general before his nomination by President Trump to the EPA and confirmation to the post in February of 2017.

During his time serving as Oklahoma's attorney general Pruitt refused to release the state audit conducted regarding the Lead-Impacted Communities Relocation Trust (LICRAT), a Public Trust and Agency of the State of Oklahoma buyout of the Tar Creek Superfund Site despite the

objection of other state officials.

A non-profit Washington, DC watchdog group, Campaign for Accountability (CfA) filed a lawsuit in the District Court of Oklahoma in November of 2017 against Oklahoma Attorney General Mike Hunter and Oklahoma State Auditor and Inspector Gary Jones for failing to release copies of audits and documents related to corruption allegations associated with the management of the Tar Creek Reclamation site in the state, according to their press release.

“While he was serving as the Attorney General of Oklahoma, EPA Administrator Scott Pruitt declined to bring criminal charges in response to an audit that found evidence of criminal wrongdoing at the Tar Creek Reclamation site,” said CfA Executive Director Daniel E. Stevens in a press release issued by Nov. 27, 2017, by CfA. “Why did he refuse to bring charges? We don’t know because the Oklahoma Attorney General’s office has repeatedly refused to release documents related to this audit.”

Pruitt claimed if released the information in the audit might unfairly embarrass private civilians.

## Times Free Press

<http://www.timesfreepress.com/news/breakingnews/story/2018/jan/09/local-site-proposed/460875/>

### **Local site proposed for list of country’s most toxic places**

By: Mark Pace, 1/9/18

A local site composed of residential properties, including areas used by children, has been proposed to be put on a list of the country's most toxic places.

The Southside Chattanooga Lead Site is one of 10 sites across the country recommended to be

added to the Superfund Program's National Priorities List by the Environmental Protection Agency.

"The priority for proposing the Site is protecting children by identifying and cleaning up lead-contaminated soil at residential properties and other areas where children may be present," according to a release from the EPA.

The site is located where waste material was used in past decades as fill or top soil in Alton Park, Cowart Place, Jefferson Heights, Richmond and the Southside Gardens areas in the southwestern portion of Chattanooga.

Lead levels at the site were detected above health-based benchmarks. The EPA will work with other groups and agencies to clean the site and replace it with clean soil.

Sites are added to the National Priorities List when contaminants are considered threats to human health and the environment.

The move is another step in EPA Administrator Scott Pruitt's goal to identify and clean toxic sites. The announcement comes on the heels of a targeted campaign for "immediate and intense attention" to clean and restore 21 sites in the U.S.

## US News

<https://www.usnews.com/news/best-states/michigan/articles/2018-01-09/michigan-sets-standard-for-chemical-contaminant-in-water>

### **Michigan sets standard for chemical contaminant in water**

By: David Eggert, AP, 1/9/18



Michigan regulators on Tuesday set a state threshold for chemicals that were once widely used and are being found in drinking water, a move they said will let them issue violation notices and take legal action if needed.

The announcement is the latest as Republican Gov. Rick Snyder's administration scrambles to combat potential health risks in tap water that stem from the chemicals used in firefighting, waterproofing, carpeting and other products.

The combined standard for perfluorooctanoic acid and perfluorooctanesulfonic acid is 70 parts per trillion. That mirrors a federal advisory level set in 2016.

"This new standard allows us to take regulatory enforcement actions, something we have not been able to do absent a state criterion," Michigan Department of Environmental Quality Director Heidi Grether said in a statement. "This means we will now have tools to mandate a responsible party conduct activities to address PFOA and PFOS contamination, thereby reducing risk to human health and the environment."

The expectation is that parties will voluntarily comply with clean up criteria, she said.

Per- and polyfluoroalkyl substances, or PFAS, have been detected at military bases, water treatment plants and, most recently, an old industrial dump site for footwear company Wolverine World Wide. The contaminants, classified by the U.S. Environmental Protection Agency as "emerging" nationally, have sparked enough concern that Snyder in November created a state response team and last month enacted \$23 million in emergency spending passed by the Legislature.

The chemicals were used in scores of industrial applications and have been detected in human and animal blood around the world. The Agency for Toxic Substances and Disease Registry said scientists are uncertain about how they affect human health at exposure levels typically found in food and water. But some studies suggest the chemicals might affect fetal development, disrupt hormonal functions, damage fertility and immune systems, and boost the risk of cancer.

At least 1,000 homes with private wells in the Plainfield Township area north of Grand Rapids, near where Wolverine dumped hazardous waste decades ago, have been tested for PFAS contamination in recent months.

Also Tuesday, Snyder announced the creation of two advisory committees to the response team.

One, to be led by Dr. David Savitz of Brown University, will review the science and make recommendations within six months — including potentially a stricter state PFAS standard. Democrats are proposing legislation to establish a 5 parts per trillion limit, which would be the country's toughest guidelines.

The other advisory committee will focus on the public health impact of the contamination and be led by Dr. Eden Wells, Michigan's chief medical executive.

She has been charged with involuntary manslaughter, obstruction of justice and lying to an investigator as part of a criminal investigation of Flint's water crisis, but Snyder has stood behind her. In November, he appointed her to lead a new Public Health Advisory Council.

## Newark Post

[http://www.newarkpostonline.com/news/epa-adds-contaminated-newark-site-to-superfund-list/article\\_bd185770-1678-57de-91c0-40f653ecd7af.html](http://www.newarkpostonline.com/news/epa-adds-contaminated-newark-site-to-superfund-list/article_bd185770-1678-57de-91c0-40f653ecd7af.html)

### **EPA adds contaminated Newark site to Superfund list**

By: Josh Shannon, 1/9/18

The Environmental Protection Agency has agreed to add a site in Newark to the National Priorities List – a list of contaminated sites eligible for remedial action financed under the federal Superfund program.

“Today’s action ensures the necessary resources are available for effective and safe revitalization of some of the most contaminated sites across the country,” EPA Administrator Scott Pruitt said in a prepared statement.

The agency will conduct a remedial investigation and feasibility study to determine the extent of contamination and evaluate various cleanup options, a spokesperson said.

City and state officials first asked for federal help investigating the cause of groundwater pollution in 2016.

The issue involves the area surrounding the city’s South Well Field, located on a narrow property off South Chapel Street, between Brookside and Scottfield. Water from the South Well Field feeds the southern part of the city, roughly as far north as Kells Avenue. The northern part of the city gets its water from White Clay Creek and the Newark Reservoir.

Nearly 20 years ago, city officials noticed volatile organic compounds (VOCs) – including chemicals commonly found in dry cleaning solvents and other industrial solvents and degreasers – seeping into the water and installed a treatment system in 2003. The chemicals are toxic but are easily removed in treatment, according to Tom Coleman, acting city manager for the city of Newark.

“It’s been in place since 2003, and we don’t have any problem treating it,” Coleman explained in 2016. “It’s just an expense.”

Coleman emphasized that treatment eliminates the VOCs from the water.

“Our water is safe, has been safe and will continue to be safe,” he said.

The Delaware Department of Natural Resources and Environmental Control has been studying the cause of the pollution but has been unable to pinpoint the source.

The contamination is believed to be in two groundwater plumes. One is beneath Pencader Plaza, the Blue Hen Industrial Park and homes around Scottfield Drive. The second is beneath a portion of the Diamond State Industrial Park along Bellevue Road.

Officials believe the VOCs may have come from industrial chemicals used or spilled in the industrial parks.

A year ago, the EPA conducted preliminary tests at monitoring wells in Brookside and Scottfield, as well as in the commercial areas along South Chapel Street. The agency was testing for “vapor intrusion,” which is the migration of VOCs from contaminated groundwater into nearby buildings through openings in the building foundation.

The study found the concentration of VOCs does not present a vapor intrusion concern to nearby residents and businesses.

## Los Angeles Times

<http://www.latimes.com/local/lanow/la-me-ln-rainfall-mudflow-20180109-story.html>

### **At least 13 dead as heavy rains trigger flooding, mudflows and freeway closures across Southern California**

By: James Queally, Joseph Serna, Michael Livingston and Ruben Vines, 1/9/18

At least 13 people were killed Tuesday when a rainstorm sent mud and debris coursing through Montecito neighborhoods and left rescue crews to scramble through clogged roadways and

downed trees to search for victims.

The deluge that washed over Santa Barbara County early Tuesday was devastating for a community that was ravaged by the Thomas fire only a few weeks earlier. In just a matter of minutes, pounding rain overwhelmed the south-facing slopes above Montecito and flooded a creek that leads to the ocean, sending mud and massive boulders rolling into residential neighborhoods, according to Santa Barbara County Fire Department spokesman Mike Eliason.

At least 25 other people were injured, authorities said at an afternoon press conference. Crews rescued 50 people by air and dozens more from the ground.

“It’s going to be worse than anyone imagined for our area,” Eliason said in a phone interview Tuesday. “Following our fire, this is the worst-case scenario.”

The deaths came after a heavy band of rain struck around 2:30 a.m., causing “waist-high” mudflows, Eliason said.

Late Tuesday, about 300 people remained stuck in their homes in Montecito’s Romero Canyon neighborhood after impassable roads halted rescue operations, officials said.

First-responders plan to launch aerial rescues at daybreak for those residents, all of whom are safe.

“So far there isn’t a concern about anybody being in any potential danger in that area,” said Rosie Narez, a spokeswoman for the multi-agency storm response. “There’s no way in or out, so I mean, at some point ... you’re going to run out of stuff, so you’re going to need help.”

Authorities said the residents are in a mandatory evacuation zone.

The mudslide struck a section of the city that is south of the Thomas fire's burn area and was not subject to a mandatory evacuation, Eliason said. Rescue personnel have yet to even make it north of Highway 192, which is closer to soil scorched by last month's wildfire. Burned areas are less capable of absorbing water, making them even more susceptible to flooding and mudslides.

Officials had no estimate on how many people could be trapped or how many homes were damaged. The search for survivors was still underway Tuesday afternoon, with many places inaccessible.

Stationed in Hawaii for the Navy, Tyler McManigal, 28, was notified Tuesday that his father and brother were swept away by flooding in Montecito.

In a phone interview, he said he knew very little else about what happened.

McManigal said when the flash flood and mud flow began, his 64-year-old father, John, woke up and rushed over to wake up his brother, Connor, 23. The pair were unable to make it out of their home in the 300 block of Hot Springs Road, just north of Olive Mill Road.

The torrent of brown liquid mixed with branches, rocks, boulders and other debris carried away the family home — along with McManigal's brother and father.

"They found my brother probably three-quarters of a mile away, south of where the house is, on the 101 Freeway," he said, adding that Connor was taken to a local hospital.

"My brother is OK," he said.

But his father, who has six children, is yet to be found, said McManigal, who is trying to get

back home.

The founder of St. Augustine Academy in Ventura was among those killed early Tuesday when a powerful mudslide swept him and his wife from their Montecito home.

Roy Rohter was identified by officials at Thomas Aquinas College, from which his daughter graduated in 2000. His wife, Theresa, was rescued and is in stable condition, officials said.

Friends remembered Rohter as an energetic leader and generous benefactor of the college.

“Roy Rohter was a man of strong faith and a great friend of Catholic education,” Michael F. McLean, president of the college, said in a statement posted on the school’s website. “He played a pivotal role in the lives of countless young Catholic students — students who came to a deeper knowledge and love of Christ because of his vision, commitment and generosity.”

Michael Van Hecke, headmaster of St. Augustine, said in a statement that Rohter “has done so much for so many people and pro-life and Catholic education causes. ... Thousands have been blessed by the Rohters’ friendship and generosity.”

Emergency crews spent the first hours of light making rescues in voluntary evacuation zones near Montecito Creek north of U.S. 101.

In the 300 block of Hot Springs Road, crews rescued six people and a dog after four homes were destroyed. The mud lifted one home off of its foundation and carried it into trees, where it then collapsed, Eliason said. Firefighters used the jaws of life to cut their way into the home where a firefighter heard muffled cries for help from a 14-year-old girl, Eliason said.

A rescue dog pinpointed the girl’s location and two hours later, the mud-covered girl was pulled free. A second 14-year-old girl was also rescued from the same neighborhood and carried from ankle-high mud in a basket by half a dozen firefighters.

The U.S. Coast Guard also sent rescue helicopters into the area Tuesday morning, hoisting several people from collapsed homes or rooftops that stood above swirling mud and water. Rescue personnel were also able to save a young boy who was swept more than half a mile south from his house after the building was lifted from its foundation in Montecito, authorities said.

The boy was found alive under a U.S. 101 overpass, authorities said. But his father remains unaccounted for.

On Hot Springs Road on Tuesday afternoon, a dozen sheriff's deputies carried a body on a gurney from a collapsed house as muddy water raced down the street. The deputies surrounded the body in silence for several moments before placing it gently into an emergency vehicle.

According to the National Weather Service in Los Angeles, the highest preliminary rainfall total appeared to register at roughly 5 inches in a gauge north of Ojai in Ventura County, in the burn area of the Thomas fire, which forced evacuations and destroyed homes last month. With heavy showers still forecast, flash flood warnings remained in effect for Santa Barbara County and southern Ventura County through Tuesday afternoon, according to the National Weather Service.

The 101 Freeway was shut down in both directions for more than 30 miles in the Thomas fire burn area because of flooding and debris flow, spanning an area from Santa Barbara to Ventura, according to the California Highway Patrol. Sections of routes 33 and 150 were also closed in Ventura County, according to the Sheriff's Department. There was no estimate for when the roadways might reopen, a California Department of Transportation spokesman said Tuesday afternoon.

In Los Angeles, one person was killed when a big rig overturned in the northbound lanes of the 5 Freeway near Los Feliz, said Saul Gomez, public information officer for the California Highway Patrol's Southern Division. All northbound lanes were closed as of 4 a.m., though Gomez said police were hoping to reopen the roadway by 8 a.m.



The victim, who was not identified, was approximately 60 years old, Gomez said. No one else was injured. While the accident happened as rain fell across Los Angeles County, Gomez said he could not confirm the crash was storm-related.

The fatal crash was one of hundreds that occurred during the downpour. Between 5 and 9 a.m. Tuesday, there were 275 traffic collisions reported on Los Angeles-area freeways, the California Highway Patrol said. There were only 30 during the same time period a week ago.

Santa Barbara County officials evacuated nearly 7,000 residents from foothill communities shortly before the heaviest surge hit the area, according to Sheriff's Office spokeswoman Kelly Hoover.

About 3 a.m., she said, the storm became ferocious.

"We just had a deluge, a power surge of rain. And we had a report of a structure fire burning in the Montecito area, the San Ysidro area. And it just kept going downhill from there," she said. "We have people stuck in their homes, stuck in their cars. There's downed power lines, flooded roadways, debris."

Hoover said the shutdown of the 101 Freeway was heavily hindering rescue efforts.

"There's no way to get from Ventura here, no way for us to get south," Hoover said. "We're encouraging people to stay off the roads if they're in an evacuation area."

By 8:30 a.m., the county's dispatch center had at least 50 calls pending, she said.

Santa Barbara County officials put a boil water notice in effect for the entire Montecito Water District on Tuesday afternoon.

In Los Angeles County, there was “mudslide activity” on Country Club Drive in Burbank, where police ordered evacuations of all homes east of Via Montana on Tuesday morning. The Police Department released footage of water surging across a roadway and urged people not to attempt to drive over it. Some vehicles were picked up and moved by the surge, and a few homes suffered minor damage, but no one had been injured as of 1 p.m., according to Sgt. Derek Green, a Burbank police spokesman.

The torrent of mud and debris sheared at least three fire hydrants, pumping another 130,000 gallons of water onto the debris flow, said Bill Mace, an assistant general manager of water systems for Burbank Water and Power. The department was able to cut off the pressure to each hydrant, but 14 homeowners will be without water for at least two days, Mace said.

Country Club Drive residents Allie Vonnacher, 17, and her mom, Heidi Donato-Fennell, 42, said they awoke to the site of several cars flowing down the street, along with power lines, trees and mailboxes.

“It’s just surreal how powerful nature is,” Donato-Fennell said. “You just hope it stays contained in the street and it doesn’t become life-threatening.”

Surges also washed out Topanga Canyon Boulevard north of Pacific Coast Highway, and sections of the 110 Freeway were closed because of flooding. The Los Angeles Fire Department had to launch a swift-water rescue to aid a man and a dog trapped in rising water near the Sepulveda Basin Recreation Area, and a Los Angeles police cruiser became mired in a debris flow on La Tuna Canyon Road, according to authorities. The officer was uninjured and walked out of the vehicle. The cruiser was in the process of being dug out of the mud with a backhoe early Tuesday.

International travelers arriving at Los Angeles International Airport also had to be diverted from Terminal 2 on Tuesday morning, after the customs area became flooded, the airport said on Twitter.

The CHP also said heavy rains likely contributed to a crash that left one person dead on Highway 126 in Ventura County, about two miles from the Los Angeles County line, on Monday

afternoon. One woman died and two others were injured in the five-car crash, the agency said.

The National Weather Service was reporting rainfall totals of up to 5 inches in Ventura County and 3.3 inches in Santa Barbara County as of 11 a.m. Nearly 1½ inches of rain had fallen in Bel-Air, which could be susceptible to mudslides and debris flow because of damage caused by the Skirball fire last month.

The storm spared some areas that were affected by last month's blazes. Early Tuesday afternoon, evacuation orders for neighborhoods in the burn areas of the Creek and Fish fires were lifted, according to the Los Angeles County Sheriff's Department.

"I woke up ready this morning to laugh and scoff at all the gloom-and-doom predictions," said Dominic Shiach, 50. "It's actually way worse than I thought it was going to be."

Shiach wore a Navy raincoat as he walked Archie, his 3-year-old West Highland terrier, down Sycamore Canyon Road on Tuesday morning.

Amber Anderson with the Santa Barbara Incident Management Team said there were about 75 people who called for evacuation help.

Marc Phillips realized he should have listened to emergency officials as he trudged down East Valley Road in mud-soaked jeans.

"They were right," he said, pointing to a place where residences had been knocked from their foundations. "It looks like there was never a house there, but it was."

## **Fox News**

<http://www.foxnews.com/politics/2018/01/09/us-oks-selling-japan-missiles-to-shoot-down-north-korean-missiles.html>

## **US Oks selling Japan missiles to shoot down North Korean missiles**

By: Frank Miles, 1/9/18

The Trump administration has approved a \$133.3 million missile defense sale to Japan to meet the escalating threat from North Korea — by shooting down the rogue nation's own ballistic missiles.

The State Department says Congress was notified Tuesday of the proposed sale of four missiles for the SM-3 Block IIA interceptor.

A State Department official told Fox News that, “Also included are four Mk 29 missile canisters, and other technical, engineering and logistics support services.”

The department said the sale would support the U.S. defense industry and underscore Trump’s commitment to improve the defense of allies threatened by North Korea.

The system was jointly developed by Japan and the U.S.

The missiles could be used at sea with Japan’s current Aegis-equipped destroyers and with the land-based Aegis system its Cabinet approved for purchase last month.

That’s intended to bolster Japan’s current missile defense and perhaps curry favor with President Donald Trump who is eager for U.S. allies to buy more American military hardware.

“If concluded, this proposed sale will contribute to the foreign policy and national security interests of the United States,” the State Department official told Fox News. “It will bolster the

security of a major treaty ally that has been, and continues to be, a force for political stability and economic progress in the Asia-Pacific region. It will also improve (Japan Maritime Self-Defense Force's) interoperability with U.S. missile defense systems, and increase the protection for U.S. installations in the region."

Fox News previously reported that North Korea's weapons "are only aimed" at America and its territories, a regime official menacingly revealed during Tuesday's joint talks with South Korea — doubling down on Kim Jong Un's frequent threats to destroy the United States.

## CNBC

<https://www.cnbc.com/2018/01/10/china-is-reportedly-thinking-of-halting-us-treasury-purchases.html>

### **China is reportedly thinking of halting US Treasury purchase and that's worrying markets right now**

By: Fred Imbert, 1/10/18

China, the United States' biggest buyer of sovereign bonds, could be slowing down or even halting its purchases, according to a report.

Bloomberg News reported Wednesday, citing people familiar with the matter, that officials in Beijing have recommended the Chinese government lowers — or even stops — its buying of U.S. sovereign debt.

The report also notes that Chinese officials think U.S. debt is becoming less attractive compared to other assets, adding that trade tensions between the two countries could provide a reason to slow down or halt the purchases.

The news is worrying markets.

Treasury prices fell, boosting yields. The U.S. dollar also fell vs. most currencies and gold increased.

Dow futures were down more than 110 points.

A taper in Chinese purchases would come as the Federal Reserve unwinds the massive balance sheet it amassed following the financial crisis. The Fed is also expected to raise rates three times this year. In 2017, the central bank also hiked rates three times.

The U.S. 10-year yield rose to 2.59 percent on Wednesday, hitting levels not seen since last March. The dollar also fell against a basket of major currencies, trading down 0.6 percent at 91.96.

[Click here for the full report.](#)

## Wall Street Journal

<https://www.wsj.com/articles/amid-signs-of-a-thaw-in-north-korea-tensions-bubble-up-1515427541>

### **Amid signs of a thaw in North Korea, Tensions bubble up**

By: Gerald Seib, 1/9/18

A tentative move toward diplomacy over the confrontation with North Korea has begun, though that hardly means the tension is evaporating.

In a village on their heavily militarized border, North and South Korean officials opened talks Tuesday, ostensibly over possible North Korean participation in the coming South Korean Olympics. South Korea would like the talks to expand beyond that, toward finding broader ways to lower tensions.

But as just one sign of how fraught the situation remains, simply consider this: U.S. officials are quietly debating whether it's possible to mount a limited military strike against North Korean sites without igniting an all-out war on the Korean Peninsula.

Senior officials from South and North Korea held their first formal face-to-face talks in two years on Tuesday, discussing Pyongyang's possible participation in the Winter Olympics and other issues in hopes of cooling tensions.

The idea is known as the “bloody nose” strategy: React to some nuclear or missile test with a targeted strike against a North Korean facility to bloody Pyongyang's nose and illustrate the high price the regime could pay for its behavior. The hope would be to make that point without inciting a full-bore reprisal by North Korea.

It's an enormously risky idea, and there is a debate among Trump administration officials about whether it is feasible. North Koreans have a vast array of artillery tubes pointed across the demilitarized zone at Seoul, the capital of South Korea, with which they could inflict thousands of casualties within minutes if they choose to unleash an all-out barrage.

Now, that danger is coupled with the risk that the North Koreans could attempt to use a nuclear weapon if they choose to escalate in retaliation against even a single strike.

Such a debate reflects how tense the situation remains, even though North Korea has scaled back the pace of its provocative actions in recent weeks and opened the door to diplomacy.

Tuesday's talks marked the first high-level dialogue between the Koreas in two years. After almost a year of regular provocations from North Korean leader Kim Jong Un, they are the first real sign that a diplomatic track is possible to begin de-escalating tensions over his nuclear and missile programs.

The U.S. and South Korea agreed on Thursday to delay their planned joint military exercises.

The South Koreans are hosting the Olympics in February and want a period of calm and peace on the Korean Peninsula during that period. WSJ's Gerald F. Seib explains the short-term and long-term consequences of the delay.

A key question is whether the conversation can expand beyond the Olympics to include other topics Seoul wants to discuss, notably reunification of Korean families split between North and South, and a general lowering of hostility.

Even if that happens, though, the diplomatic move needed to really start dialing back tensions would be conversations between North Korea and the U.S. That possibility seems stuck in a long-distance dance between Pyongyang and Washington, with each side making opening bids the other finds unacceptable.

North Korea wants the U.S. to forswear joint military activities with South Korea in advance of talks, while the U.S. insists the goal of talks should be to eliminate North Korea's nuclear arsenal, not merely contain it. Each side finds the other's conditions unacceptable.

Indeed, diplomats suspect North Korea's engagement with South Korea is an attempt to drive a wedge between Seoul and its American allies, thereby reducing the possibility the U.S. could take any kind of military action against Pyongyang.

Efforts are under way to broaden the diplomatic opening beyond Tuesday's intra-Korean conversation. Jonathan Powell, a former chief of staff to British Prime Minister Tony Blair, has offered to help try to get broader conversations going, three people in the diplomatic community said.

And Jeffrey Feltman, an American diplomat now serving as U.N. under secretary-general for political affairs, recently traveled to North Korea to explore diplomatic possibilities. But Mr. Feltman returned alarmed at what he found in Pyongyang, where he sensed little interest in either talks with the U.S. or moving off the North's current nuclear track, say those who have talked with him.

Within the Trump administration, officials say, Secretary of State Rex Tillerson and Defense Secretary Jim Mattis remain focused on trying to get a broader diplomatic effort under way to



rein in the North Korean nuclear program. National security adviser H.R. McMaster is arguing more vocally, publicly and privately, that military options need to be considered.

The wild card, as in all things in the Trump administration, is President Donald Trump himself. He signaled his own interest in a diplomatic track in the past. But he has also seemed to disavow Mr. Tillerson's overtures on negotiations. And his recent tweet—asserting he has a “bigger” nuclear button than does Mr. Kim—is, in the words of one experienced diplomat, the equivalent of “waving a red flag before a bull.”

The U.S. hasn't done the kind of logistical preparations needed for a full-blown conflict on the Korean Peninsula. Still, as the talk of a “bloody nose” option suggests, that doesn't mean one can't happen.

Thanks to the Olympics and the intra-Korean diplomatic opening, the next few months figure to be relatively calm. But depending on whether the diplomatic opening widens or not, mid-2018 could be a time of reckoning.

## **EPA Morning News Highlights 01.10.18**

### **Reuters: Exclusive: Trump's EPA aims to replace Obama-era climate, water regs in 2018**

A top EPA priority for 2018 is to replace the Obama-era Clean Power Plan which would have slashed carbon emissions from power plants. The U.S. Environmental Protection Agency will replace Obama-era carbon and clean water regulations and open up a national debate on climate change in 2018, part of a list of priorities for the year that also includes fighting lead contamination in public drinking water.

### **NewsOK: Contaminated Eagle Industries site in Midwest City added to EPA priorities list**

A contaminated industrial site along Midwest City's border with Oklahoma City was added Tuesday to the Environmental Protection Agency's national priorities list for Superfund site. The designation signifies the site is one of the nation's most severely polluted parcels of land. Soil and groundwater around the former Eagle Industries property at 10901 SE 29th St. are contaminated with trichloroethylene and dichloroethane, according to Oklahoma Department of Environmental Quality investigators.

### **Miami News Record: Tar Creek Superfund Site Makes Pruitt's Priority List**

The Tar Creek Superfund Site made U.S. EPA Administrator Scott Pruitt's list of Superfund Sites Targeted for Immediate and Intense Action, but no commitment of additional funding is associated with the site's inclusion on the list. The Tar Creek Superfund Site is included on a list of 21 sites across the nation making the list. The EPA considered sites that could benefit from Pruitt's direct engagement and sites that have identifiable actions to protect human health and the environment.

### **Times Free Press: Local Site Proposed for List of Country's Most Toxic Places**

A local site composed of residential properties, including areas used by children, has been proposed to be put on a list of the country's most toxic places. The Southside Chattanooga Lead Site is one of 10 sites across the country recommended to be added to the Superfund Program's National Priorities List by the Environmental Protection Agency.

### **US News: Michigan Sets Standard for Chemical Contaminant in Water**

Michigan regulators on Tuesday set a state threshold for chemicals that were once widely used and are being found in drinking water, a move they said will let them issue violation notices and take legal action if needed. The announcement is the latest as Republican Gov. Rick Snyder's administration scrambles to combat potential health risks in tap water that stem from the chemicals used in firefighting, waterproofing, carpeting and other products.

### **Newark Post: EPA Adds Contaminated Newark Site to Superfund List**

The Environmental Protection Agency has agreed to add a site in Newark to the National Priorities List – a list of contaminated sites eligible for remedial action financed under the federal Superfund program. The agency will conduct a remedial investigation and feasibility study to determine the extent of contamination and evaluate various cleanup options, a spokesperson said.

## **National Morning News Highlights 01.10.18**

### **Los Angeles Times: At least 13 dead as heavy rains trigger flooding, mudflows and freeway closures across Southern California**

At least 13 people were killed Tuesday when a rainstorm sent mud and debris coursing through Montecito neighborhoods and left rescue crews to scramble through clogged roadways and downed trees to search for victims. The deluge that washed over Santa Barbara County early Tuesday was devastating for a community that was ravaged by the Thomas fire only a few weeks earlier. In just a matter of minutes, pounding rain overwhelmed the south-facing slopes above Montecito and flooded a creek that leads to the ocean, sending mud and massive boulders rolling into residential neighborhoods, according to Santa Barbara County Fire Department spokesman Mike Eliason.

### Fox News: US Oks selling Japan missiles to shoot down North Korean missiles

The Trump administration has approved a \$133.3 million missile defense sale to Japan to meet the escalating threat from North Korea — by shooting down the rogue nation's own ballistic missiles. The State Department says Congress was notified Tuesday of the proposed sale of four missiles for the SM-3 Block IIA interceptor.

### CNBC: China is reportedly thinking of halting US Treasury purchases and that's worrying markets right now

China, the United States' biggest buyer of sovereign bonds, could be slowing down or even halting its purchases, according to a report. Bloomberg News reported Wednesday, citing people familiar with the matter, that officials in Beijing have recommended the Chinese government lowers — or even stops — its buying of U.S. sovereign debt.

### Wall Street Journal: Amid signs of a thaw in North Korea, Tensions bubble up

A tentative move toward diplomacy over the confrontation with North Korea has begun, though that hardly means the tension is evaporating. In a village on their heavily militarized border, North and South Korean officials opened talks Tuesday, ostensibly over possible North Korean participation in the coming South Korean Olympics. South Korea would like the talks to expand beyond that, toward finding broader ways to lower tensions.

## Reuters

<http://news.trust.org/item/20180110023844-vd9k3/>

### **Exclusive: Trump's EPA aims to replace Obama-era climate, water regs in 2018**

By: Valerie Volcovici and David Shephardson, 1/9/18

A top EPA priority for 2018 is to replace the Obama-era Clean Power Plan which would have slashed carbon emissions from power plants

The U.S. Environmental Protection Agency will replace Obama-era carbon and clean water regulations and open up a national debate on climate change in 2018, part of a list of priorities for the year that also includes fighting lead contamination in public drinking water.

The agenda, laid out by EPA Administrator Scott Pruitt in an exclusive interview with Reuters on Tuesday, marks an extension of the agency's efforts under President Donald Trump to weaken or kill regulations the administration believes are too broad and harm economic growth, but which environmentalists say are critical to human health.

"The climate is changing. That's not the debate. The debate is how do we know what the ideal surface temperature is in 2100?... I think the American people deserve an open honest transparent discussion about those things," said Pruitt, who has frequently cast doubt on the causes and implications of global warming.

Pruitt reaffirmed plans for the EPA to host a public debate on climate science sometime this year that would pit climate change doubters against other climate scientists, but he provided no further details on timing or which scientists would be involved.

Pruitt said among the EPA's top priorities for 2018 will be to replace the Clean Power Plan, former President Barack Obama's centerpiece climate change regulation which would have slashed carbon emissions from power plants. The EPA began the process of rescinding the regulation last year and is taking input on what should replace it.

"A proposed rule will come out this year and then a final rule will come out sometime this year," he said. He did not give any details on what the rule could look like, saying the agency was still soliciting comments from stakeholders.

He said the agency was also planning to rewrite the Waters of the United States rule, another Obama-era regulation, this one defining which U.S. waterways are protected under federal law. Pruitt and Trump have said the rule marked an overreach by including streams that are shallow, narrow, or sometimes completely dry - and was choking off energy development.

Pruitt said that in both cases, former President Barack Obama had made the rules by executive order, and without Congress. "We only have the authority that Congress gives us," Pruitt said.

Pruitt's plans to replace the Clean Power Plan have raised concerns by attorneys general of states like California and New York, who said in comments submitted to the EPA on Tuesday that the administrator should recuse himself because as Oklahoma attorney general he led legal challenges against it.

## BIOFUELS AND STAFF CUTS

Pruitt said he hoped for legislative reform of the U.S. biofuels policy this year, calling it "substantially needed and important" because of the costs the regulation imposes on oil refiners.

The Renewable Fuel Standard, ushered in by former President George W. Bush as a way to help U.S. farmers, requires refiners to blend increasing amounts of biofuels like corn-based ethanol into the nation's fuel supply every year.

Refining companies say the EPA-administered policy costs them hundreds of millions of dollars annually and threatens to put some plants out of business. But their proposals to change the program have so far been rejected by the Trump administration under pressure from the corn lobby.

The EPA in November slightly raised biofuels volumes mandates for 2018, after previously opening the door to cuts.

The White House is now mediating talks on the issue between representatives of both sides, with input from EPA, and some Republican senators from states representing refineries are working on possible legislation to overhaul the program.

Pruitt said he also hoped Congress could produce an infrastructure package this year that would include replacing municipal water pipes, as a way of combating high lead levels in certain parts of the United States.

"That to me is something very tangible very important that we can achieve for the American people," he said.

Pruitt added that EPA also continuing its review of automobile fuel efficiency rules, and would be headed to California soon for more meetings with the California Air Resources Board to discuss them.

California in 2011 agreed to adopt the federal vehicle emission rules through 2025, but has signaled it would opt out of the standards if they are weakened – a move that would complicate matters for automakers serving the huge California market.

In the meantime, Pruitt said EPA is continuing to reduce the size of its staff, which fell to 14,162 employees as of Jan. 3, the lowest it has been since 1998, under Ronald Reagan when the employment level was 14,400. The EPA employed about 15,000 when Obama left office.

Nearly 50 percent of the EPA will be eligible to retire within the next five years, according to the agency.

## NewsOK

<http://newsok.com/contaminated-eagle-industries-site-in-midwest-city-added-to-epa-priorities-list/article/5578891>

### **Contaminated Eagle Industries site in Midwest City added to EPA priorities list**

By: Justin Wingerter, 1/9/18

A contaminated industrial site along Midwest City's border with Oklahoma City was added Tuesday to the Environmental

Protection Agency's national priorities list for Superfund site.

The designation signifies the site is one of the nation's most severely polluted parcels of land. Soil and groundwater around the former Eagle Industries property at 10901 SE 29th St. are contaminated with trichloroethylene and dichloroethane, according to Oklahoma Department of Environmental Quality investigators.

"Groundwater resources at the site and the surrounding area are threatened by the contamination," the EPA wrote in a memo Tuesday. "(Trichloroethylene) has been found in off-site private drinking water wells. The site is an area of recharge for the Central Oklahoma aquifer system, which is a major source of groundwater in Central Oklahoma."

Contamination at Eagle Industries was first discovered in 2003. The company, which had dumped contaminants in violation of state law, closed in 2010 without paying a fine.

The EPA announced in early August it would consider adding Eagle to its national priorities list at the request of Gov. Mary Fallin. Several months of public comment followed, leading to Tuesday's announcement.

"Once again, Administrator (Scott) Pruitt is making it clear that he's focused on protecting the environment by partnering with states to clean up contaminated sites in local communities," said U.S. Sen. Jim Inhofe, R-Tulsa.

"By adding the Eagle Industries site in Oklahoma City to the National Priorities List, it will give the site increased attention for long-term clean-up efforts and focus on revitalizing the area for development and economic activity," he added.

The adverse public health ramifications of Eagle's illegal actions have not dissipated. Trichloroethylene, or TCE, has been found within nearby residential water wells. State investigators distributed a fact sheet to residents that stated TCE "may cause nervous system effects, liver and lung damage, abnormal heartbeat, coma and possibly death."

"It is clear that the TCE is migrating, with the likelihood of affecting approximately 30 additional residences and businesses," stated an internal DEQ memo obtained by The Oklahoman in an open records request. "Eagle Industries lies in Midwest City. The plume of pollution is flowing into Oklahoma City."

On Tuesday, the EPA wrote, "There are currently no readily available alternative drinking water sources for the 18 family homes south of Eagle Industries."

"Today's action ensures the necessary resources are available for effective and safe revitalization of some of the most contaminated sites across the country," Pruitt said in a statement.

EPA cleanup efforts could eventually extend to a second Eagle site, where the company operated for decades, beginning in 1957. Since an investigation by The Oklahoman found Eagle employees may have also dumped trichloroethylene at the site, 8828 SE 29th St., state investigators and Midwest City have agreed to test the soil and groundwater there. The property is owned by Midwest City.

Rita Kottke, an environmental programs director at DEQ, told Midwest City council members last month that EPA headquarters in Washington had shown an interest in the 8828 site. The EPA contacted DEQ and pushed them to conduct environmental testing, the first step in the Superfund process, according to Kottke.

When soil and groundwater tests are complete in the coming months, several outcomes are possible. The tests could find no cause for concern, allowing Midwest City to develop the 8828 site and attract a grocery store or other retail opportunity. The tests could find minor contamination curative with soil extraction and other actions. Or the tests could find dire contamination requiring massive EPA action.

**Tar Creek Superfund Site Makes Pruitt's Priority List**

By: Melinda Stotts, 1/9/18

The Superfund list came in direct response to the EPA's Superfund Task Force Recommendations issued in July of 2017.

MIAMI – The Tar Creek Superfund Site made U.S. EPA Administrator Scott Pruitt's list of Superfund Sites Targeted for Immediate and Intense Action, but no commitment of additional funding is associated with the site's inclusion on the list.

The Tar Creek Superfund Site is included on a list of 21 sites across the nation making the list.

The EPA considered sites that could benefit from Pruitt's direct engagement and sites that have identifiable actions to protect human health and the environment.

The listed sites require timely resolution of specific issues to expedite cleanup and redevelopment efforts, according to the EPA's press release, and the list is designed to spur action at sites where opportunities exist to act quickly and comprehensively.

The Superfund list came in direct response to the EPA's Superfund Task Force Recommendations issued in July of 2017.

According to the EPA, Pruitt will receive regular updates on the listed sites, but the EPA remains dedicated to addressing the risks of all Superfund sites.

There are currently more than 1,300 Superfund sites on EPA's National Priorities List at various stages in the cleanup process

The Task Force recommendations are aimed at expediting cleanup at all sites and Pruitt has set the expectation of a renewed focus on accelerating work and progress.

The list released on Dec. 8 includes the following U.S. Superfund Sites Mohawk Tannery in Nashua, New Hampshire, Centredale Manor Restoration Project in North Providence in Rhode Island, American Cyanamid Co. in Bound Brook, New Jersey, Diamond Alkali Co. (aka Upper Lower Passaic) Newark, New Jersey, Ventron/Velsicol (aka Berry's Creek) in Wood Ridge Borough, New Jersey, L.A. Clarke & Son in Spotsylvania, Virginia, B.F. Goodrich in Calvert City, Kentucky, Mississippi Phosphates Corporation in Pascagoula, Mississippi, U.S. Smelter and Lead Refinery Inc. (aka USS Lead or East Chicago) in East Chicago, Indiana, Allied Paper Inc./Portage Creek/Kalamazoo River in Kalamazoo, Michigan, Tar Creek (Ottawa County) in Ottawa County, Oklahoma, San Jacinto Waste Pits in Channelview, Texas, Des Moines TCE (aka Dico Company) in Des Moines, Iowa, West Lake Landfill in Bridgeton, Missouri, Bonita Peak Mining District in San Juan County, Colorado, Anaconda Co. Smelter in Anaconda, Montana, Silver Bow Creek/Butte Area I Butte, Montana, Orange County North Basin in Fullerton, California, Anaconda Copper Mine in Lyon County, Nevada, Portland Harbor in Portland, Oregon and Quendall Terminal in Renton, Washington.

All 21 sites have been designated the nation's Superfund sites for years, some for decades. Tar Creek was first officially designated a Superfund in 1983.

Millions and millions, well over \$300 million, of federal funding has been expended for cleanup and buyout of the Tar Creek Superfund Site which continues today and is expected to continue for more decades to come.

Pruitt is a former Oklahoma state senator and served the state as attorney general before his nomination by President Trump to the EPA and confirmation to the post in February of 2017.

During his time serving as Oklahoma's attorney general Pruitt refused to release the state audit conducted regarding the Lead-Impacted Communities Relocation Trust (LICRAT), a Public Trust and Agency of the State of Oklahoma buyout of the Tar Creek Superfund Site despite the objection of other state officials.

A non-profit Washington, DC watchdog group, Campaign for Accountability (CfA) filed a lawsuit in the District Court of Oklahoma in November of 2017 against Oklahoma Attorney General Mike Hunter and Oklahoma State Auditor and Inspector Gary Jones for failing to release copies of audits and documents related to corruption allegations associated with the management of the Tar Creek Reclamation site in the state, according to their press release.

"While he was serving as the Attorney General of Oklahoma, EPA Administrator Scott Pruitt declined to bring criminal charges in response to an audit that found evidence of criminal wrongdoing at the Tar Creek Reclamation site," said CfA Executive Director Daniel E. Stevens in a press release issued by Nov. 27, 2017, by CfA. "Why did he refuse to bring charges? We don't know because the Oklahoma Attorney General's office has repeatedly refused to release documents related to this audit."

Pruitt claimed if released the information in the audit might unfairly embarrass private civilians.

## Times Free Press

<http://www.timesfreepress.com/news/breakingnews/story/2018/jan/09/local-site-proposed/460875/>

### **Local site proposed for list of country's most toxic places**

By: Mark Pace, 1/9/18

A local site composed of residential properties, including areas used by children, has been proposed to be put on a list of the country's most toxic places.

The Southside Chattanooga Lead Site is one of 10 sites across the country recommended to be added to the Superfund Program's National Priorities List by the Environmental Protection Agency.

"The priority for proposing the Site is protecting children by identifying and cleaning up lead-contaminated soil at residential properties and other areas where children may be present," according to a release from the EPA.

The site is located where waste material was used in past decades as fill or top soil in Alton Park, Cowart Place, Jefferson Heights, Richmond and the Southside Gardens areas in the southwestern portion of Chattanooga.

Lead levels at the site were detected above health-based benchmarks. The EPA will work with other groups and agencies to clean the site and replace it with clean soil.

Sites are added to the National Priorities List when contaminants are considered threats to human health and the environment.

The move is another step in EPA Administrator Scott Pruitt's goal to identify and clean toxic sites. The announcement comes on the heels of a targeted campaign for "immediate and intense attention" to clean and restore 21 sites in the U.S.

## US News

## **Michigan sets standard for chemical contaminant in water**

By: David Eggert, AP, 1/9/18

Michigan regulators on Tuesday set a state threshold for chemicals that were once widely used and are being found in drinking water, a move they said will let them issue violation notices and take legal action if needed.

The announcement is the latest as Republican Gov. Rick Snyder's administration scrambles to combat potential health risks in tap water that stem from the chemicals used in firefighting, waterproofing, carpeting and other products.

The combined standard for perfluorooctanoic acid and perfluorooctanesulfonic acid is 70 parts per trillion. That mirrors a federal advisory level set in 2016.

"This new standard allows us to take regulatory enforcement actions, something we have not been able to do absent a state criterion," Michigan Department of Environmental Quality Director Heidi Grether said in a statement. "This means we will now have tools to mandate a responsible party conduct activities to address PFOA and PFOS contamination, thereby reducing risk to human health and the environment."

The expectation is that parties will voluntarily comply with clean up criteria, she said.

Per- and polyfluoroalkyl substances, or PFAS, have been detected at military bases, water treatment plants and, most recently, an old industrial dump site for footwear company Wolverine World Wide. The contaminants, classified by the U.S. Environmental Protection Agency as "emerging" nationally, have sparked enough concern that Snyder in November created a state response team and last month enacted \$23 million in emergency spending passed by the Legislature.

The chemicals were used in scores of industrial applications and have been detected in human and animal blood around the world. The Agency for Toxic Substances and Disease Registry said scientists are uncertain about how they affect human health at exposure levels typically found in food and water. But some studies suggest the chemicals might affect fetal development, disrupt hormonal functions, damage fertility and immune systems, and boost the risk of cancer.

At least 1,000 homes with private wells in the Plainfield Township area north of Grand Rapids, near where Wolverine dumped hazardous waste decades ago, have been tested for PFAS contamination in recent months.

Also Tuesday, Snyder announced the creation of two advisory committees to the response team.

One, to be led by Dr. David Savitz of Brown University, will review the science and make recommendations within six months — including potentially a stricter state PFAS standard. Democrats are proposing legislation to establish a 5 parts per trillion limit, which would be the country's toughest guidelines.

The other advisory committee will focus on the public health impact of the contamination and be led by Dr. Eden Wells, Michigan's chief medical executive.

She has been charged with involuntary manslaughter, obstruction of justice and lying to an investigator as part of a criminal investigation of Flint's water crisis, but Snyder has stood behind her. In November, he appointed her to lead a new Public Health Advisory Council.

## Newark Post

[http://www.newarkpostonline.com/news/epa-adds-contaminated-newark-site-to-superfund-list/article\\_bd185770-1678-57de-91c0-40f653ecd7af.html](http://www.newarkpostonline.com/news/epa-adds-contaminated-newark-site-to-superfund-list/article_bd185770-1678-57de-91c0-40f653ecd7af.html)



## **EPA adds contaminated Newark site to Superfund list**

By: Josh Shannon, 1/9/18

The Environmental Protection Agency has agreed to add a site in Newark to the National Priorities List – a list of contaminated sites eligible for remedial action financed under the federal Superfund program.

“Today’s action ensures the necessary resources are available for effective and safe revitalization of some of the most contaminated sites across the country,” EPA Administrator Scott Pruitt said in a prepared statement.

The agency will conduct a remedial investigation and feasibility study to determine the extent of contamination and evaluate various cleanup options, a spokesperson said.

City and state officials first asked for federal help investigating the cause of groundwater pollution in 2016.

The issue involves the area surrounding the city’s South Well Field, located on a narrow property off South Chapel Street, between Brookside and Scottfield. Water from the South Well Field feeds the southern part of the city, roughly as far north as Kells Avenue. The northern part of the city gets its water from White Clay Creek and the Newark Reservoir.

Nearly 20 years ago, city officials noticed volatile organic compounds (VOCs) – including chemicals commonly found in dry cleaning solvents and other industrial solvents and degreasers – seeping into the water and installed a treatment system in 2003. The chemicals are toxic but are easily removed in treatment, according to Tom Coleman, acting city manager for the city of Newark.

“It’s been in place since 2003, and we don’t have any problem treating it,” Coleman explained in 2016. “It’s just an expense.”

Coleman emphasized that treatment eliminates the VOCs from the water.

“Our water is safe, has been safe and will continue to be safe,” he said.

The Delaware Department of Natural Resources and Environmental Control has been studying the cause of the pollution but has been unable to pinpoint the source.

The contamination is believed to be in two groundwater plumes. One is beneath Pencader Plaza, the Blue Hen Industrial Park and homes around Scottfield Drive. The second is beneath a portion of the Diamond State Industrial Park along Bellevue Road.

Officials believe the VOCs may have come from industrial chemicals used or spilled in the industrial parks.

A year ago, the EPA conducted preliminary tests at monitoring wells in Brookside and Scottfield, as well as in the commercial areas along South Chapel Street. The agency was testing for “vapor intrusion,” which is the migration of VOCs from contaminated groundwater into nearby buildings through openings in the building foundation.

The study found the concentration of VOCs does not present a vapor intrusion concern to nearby residents and businesses.

Los Angeles Times

<http://www.latimes.com/local/lanow/la-me-ln-rainfall-mudflow-20180109-story.html>

## **At least 13 dead as heavy rains trigger flooding, mudflows and freeway closures across Southern California**

By: James Queally, Joseph Serna, Michael Livingston and Ruben Vines, 1/9/18

At least 13 people were killed Tuesday when a rainstorm sent mud and debris coursing through Montecito neighborhoods and left rescue crews to scramble through clogged roadways and downed trees to search for victims.

The deluge that washed over Santa Barbara County early Tuesday was devastating for a community that was ravaged by the Thomas fire only a few weeks earlier. In just a matter of minutes, pounding rain overwhelmed the south-facing slopes above Montecito and flooded a creek that leads to the ocean, sending mud and massive boulders rolling into residential neighborhoods, according to Santa Barbara County Fire Department spokesman Mike Eliason.

At least 25 other people were injured, authorities said at an afternoon press conference. Crews rescued 50 people by air and dozens more from the ground.

"It's going to be worse than anyone imagined for our area," Eliason said in a phone interview Tuesday. "Following our fire, this is the worst-case scenario."

The deaths came after a heavy band of rain struck around 2:30 a.m., causing "waist-high" mudflows, Eliason said.

Late Tuesday, about 300 people remained stuck in their homes in Montecito's Romero Canyon neighborhood after impassable roads halted rescue operations, officials said.

First-responders plan to launch aerial rescues at daybreak for those residents, all of whom are safe.

"So far there isn't a concern about anybody being in any potential danger in that area," said Rosie Narez, a spokeswoman for the multi-agency storm response. "There's no way in or out, so I mean, at some point ... you're going to run out of stuff, so you're going to need help."

Authorities said the residents are in a mandatory evacuation zone.

The mudslide struck a section of the city that is south of the Thomas fire's burn area and was not subject to a mandatory evacuation, Eliason said. Rescue personnel have yet to even make it north of Highway 192, which is closer to soil scorched by last month's wildfire. Burned areas are less capable of absorbing water, making them even more susceptible to flooding and mudslides.

Officials had no estimate on how many people could be trapped or how many homes were damaged. The search for survivors was still underway Tuesday afternoon, with many places inaccessible.

Stationed in Hawaii for the Navy, Tyler McManigal, 28, was notified Tuesday that his father and brother were swept away by flooding in Montecito.

In a phone interview, he said he knew very little else about what happened.

McManigal said when the flash flood and mud flow began, his 64-year-old father, John, woke up and rushed over to wake up his brother, Connor, 23. The pair were unable to make it out of their home in the 300 block of Hot Springs Road, just north of Olive Mill Road.

The torrent of brown liquid mixed with branches, rocks, boulders and other debris carried away the family home — along with McManigal's brother and father.

"They found my brother probably three-quarters of a mile away, south of where the house is, on the 101 Freeway," he said, adding that Connor was taken to a local hospital.

"My brother is OK," he said.

But his father, who has six children, is yet to be found, said McManigal, who is trying to get back home.

The founder of St. Augustine Academy in Ventura was among those killed early Tuesday when a powerful mudslide swept him and his wife from their Montecito home.

Roy Rohter was identified by officials at Thomas Aquinas College, from which his daughter graduated in 2000. His wife, Theresa, was rescued and is in stable condition, officials said.

Friends remembered Rohter as an energetic leader and generous benefactor of the college.

"Roy Rohter was a man of strong faith and a great friend of Catholic education," Michael F. McLean, president of the college, said in a statement posted on the school's website. "He played a pivotal role in the lives of countless young Catholic students — students who came to a deeper knowledge and love of Christ because of his vision, commitment and generosity."

Michael Van Hecke, headmaster of St. Augustine, said in a statement that Rohter "has done so much for so many people and pro-life and Catholic education causes. ... Thousands have been blessed by the Rohters' friendship and generosity."

Emergency crews spent the first hours of light making rescues in voluntary evacuation zones near Montecito Creek north of U.S. 101.

In the 300 block of Hot Springs Road, crews rescued six people and a dog after four homes were destroyed. The mud lifted one home off of its foundation and carried it into trees, where it then collapsed, Eliason said. Firefighters used the jaws of life to cut their way into the home where a firefighter heard muffled cries for help from a 14-year-old girl, Eliason said.

A rescue dog pinpointed the girl's location and two hours later, the mud-covered girl was pulled free. A second 14-year-old girl was also rescued from the same neighborhood and carried from ankle-high mud in a basket by half a dozen firefighters.

The U.S. Coast Guard also sent rescue helicopters into the area Tuesday morning, hoisting several people from collapsed homes or rooftops that stood above swirling mud and water. Rescue personnel were also able to save a young boy who was swept more than half a mile south from his house after the building was lifted from its foundation in Montecito, authorities said.

The boy was found alive under a U.S. 101 overpass, authorities said. But his father remains unaccounted for.

On Hot Springs Road on Tuesday afternoon, a dozen sheriff's deputies carried a body on a gurney from a collapsed house as muddy water raced down the street. The deputies surrounded the body in silence for several moments before placing it gently into an emergency vehicle.

According to the National Weather Service in Los Angeles, the highest preliminary rainfall total appeared to register at roughly 5 inches in a gauge north of Ojai in Ventura County, in the burn area of the Thomas fire, which forced evacuations and destroyed homes last month. With heavy showers still forecast, flash flood warnings remained in effect for Santa Barbara County and southern Ventura County through Tuesday afternoon, according to the National Weather Service.

The 101 Freeway was shut down in both directions for more than 30 miles in the Thomas fire burn area because of flooding and debris flow, spanning an area from Santa Barbara to Ventura, according to the California Highway Patrol. Sections of routes 33 and 150 were also closed in Ventura County, according to the Sheriff's Department. There was no estimate for when the roadways might reopen, a California Department of Transportation spokesman said Tuesday afternoon.

In Los Angeles, one person was killed when a big rig overturned in the northbound lanes of the 5 Freeway near Los Feliz, said Saul Gomez, public information officer for the California Highway Patrol's Southern Division. All northbound lanes were closed as of 4 a.m., though Gomez said police were hoping to reopen the roadway by 8 a.m.

The victim, who was not identified, was approximately 60 years old, Gomez said. No one else was injured. While the accident happened as rain fell across Los Angeles County, Gomez said he could not confirm the crash was storm-related.

The fatal crash was one of hundreds that occurred during the downpour. Between 5 and 9 a.m. Tuesday, there were 275 traffic collisions reported on Los Angeles-area freeways, the California Highway Patrol said. There were only 30 during the same time period a week ago.

Santa Barbara County officials evacuated nearly 7,000 residents from foothill communities shortly before the heaviest surge hit the area, according to Sheriff's Office spokeswoman Kelly Hoover.

About 3 a.m., she said, the storm became ferocious.

"We just had a deluge, a power surge of rain. And we had a report of a structure fire burning in the Montecito area, the San Ysidro area. And it just kept going downhill from there," she said. "We have people stuck in their homes, stuck in their cars. There's downed power lines, flooded roadways, debris."

Hoover said the shutdown of the 101 Freeway was heavily hindering rescue efforts.

"There's no way to get from Ventura here, no way for us to get south," Hoover said. "We're encouraging people to stay off the roads if they're in an evacuation area."

By 8:30 a.m., the county's dispatch center had at least 50 calls pending, she said.

Santa Barbara County officials put a boil water notice in effect for the entire Montecito Water District on Tuesday afternoon.

In Los Angeles County, there was "mudslide activity" on Country Club Drive in Burbank, where police ordered evacuations of all homes east of Via Montana on Tuesday morning. The Police Department released footage of water surging across a roadway and urged people not to attempt to drive over it. Some vehicles were picked up and moved by the surge, and a few homes suffered minor damage, but no one had been injured as of 1 p.m., according to Sgt. Derek Green, a Burbank police spokesman.

The torrent of mud and debris sheared at least three fire hydrants, pumping another 130,000 gallons of water onto the debris flow, said Bill Mace, an assistant general manager of water systems for Burbank Water and Power. The department was able to cut off the pressure to each hydrant, but 14 homeowners will be without water for at least two days, Mace said.

Country Club Drive residents Allie Vonnacher, 17, and her mom, Heidi Donato-Fennell, 42, said they awoke to the site of several cars flowing down the street, along with power lines, trees and mailboxes.

"It's just surreal how powerful nature is," Donato-Fennell said. "You just hope it stays contained in the street and it doesn't become life-threatening."

Surges also washed out Topanga Canyon Boulevard north of Pacific Coast Highway, and sections of the 110 Freeway were closed because of flooding. The Los Angeles Fire Department had to launch a swift-water rescue to aid a man and a dog trapped in rising water near the Sepulveda Basin Recreation Area, and a Los Angeles police cruiser became mired in a debris flow on La Tuna Canyon Road, according to authorities. The officer was uninjured and walked out of the vehicle. The cruiser was in the process of being dug out of the mud with a backhoe early Tuesday.

International travelers arriving at Los Angeles International Airport also had to be diverted from Terminal 2 on Tuesday morning, after the customs area became flooded, the airport said on Twitter.

The CHP also said heavy rains likely contributed to a crash that left one person dead on Highway 126 in Ventura County, about two miles from the Los Angeles County line, on Monday afternoon. One woman died and two others were injured in the five-car crash, the agency said.

The National Weather Service was reporting rainfall totals of up to 5 inches in Ventura County and 3.3 inches in Santa Barbara County as of 11 a.m. Nearly 1½ inches of rain had fallen in Bel-Air, which could be susceptible to mudslides and debris flow because of damage caused by the Skirball fire last month.

The storm spared some areas that were affected by last month's blazes. Early Tuesday afternoon, evacuation orders for neighborhoods in the burn areas of the Creek and Fish fires were lifted, according to the Los Angeles County Sheriff's Department.

"I woke up ready this morning to laugh and scoff at all the gloom-and-doom predictions," said Dominic Shiach, 50. "It's actually way worse than I thought it was going to be."

Shiach wore a Navy raincoat as he walked Archie, his 3-year-old West Highland terrier, down Sycamore Canyon Road on Tuesday morning.

Amber Anderson with the Santa Barbara Incident Management Team said there were about 75 people who called for evacuation help.

Marc Phillips realized he should have listened to emergency officials as he trudged down East Valley Road in mud-soaked jeans.

"They were right," he said, pointing to a place where residences had been knocked from their foundations. "It looks like there was never a house there, but it was."

## Fox News

<http://www.foxnews.com/politics/2018/01/09/us-oks-selling-japan-missiles-to-shoot-down-north-korean-missiles.html>

### **US Oks selling Japan missiles to shoot down North Korean missiles**

By: Frank Miles, 1/9/18

The Trump administration has approved a \$133.3 million missile defense sale to Japan to meet the escalating threat from North Korea — by shooting down the rogue nation's own ballistic missiles.

The State Department says Congress was notified Tuesday of the proposed sale of four missiles for the SM-3 Block IIA interceptor.

A State Department official told Fox News that, “Also included are four Mk 29 missile canisters, and other technical, engineering and logistics support services.”

The department said the sale would support the U.S. defense industry and underscore Trump’s commitment to improve the defense of allies threatened by North Korea.

The system was jointly developed by Japan and the U.S.

The missiles could be used at sea with Japan’s current Aegis-equipped destroyers and with the land-based Aegis system its Cabinet approved for purchase last month.

That’s intended to bolster Japan’s current missile defense and perhaps curry favor with President Donald Trump who is eager for U.S. allies to buy more American military hardware.

“If concluded, this proposed sale will contribute to the foreign policy and national security interests of the United States,” the State Department official told Fox News. “It will bolster the security of a major treaty ally that has been, and continues to be, a force for political stability and economic progress in the Asia-Pacific region. It will also improve (Japan Maritime Self-Defense Force’s) interoperability with U.S. missile defense systems, and increase the protection for U.S. installations in the region.”

Fox News previously reported that North Korea’s weapons “are only aimed” at America and its territories, a regime official menacingly revealed during Tuesday’s joint talks with South Korea — doubling down on Kim Jong Un’s frequent threats to destroy the United States.

## CNBC

<https://www.cnn.com/2018/01/10/china-is-reportedly-thinking-of-halting-us-treasury-purchases.html>

### **China is reportedly thinking of halting US Treasury purchase and that’s worrying markets right now**

By: Fred Imbert, 1/10/18

China, the United States' biggest buyer of sovereign bonds, could be slowing down or even halting its purchases, according to a report.

Bloomberg News reported Wednesday, citing people familiar with the matter, that officials in Beijing have recommended the Chinese government lowers — or even stops — its buying of U.S. sovereign debt.

The report also notes that Chinese officials think U.S. debt is becoming less attractive compared to other assets, adding that trade tensions between the two countries could provide a reason to slow down or halt the purchases.

The news is worrying markets.

Treasury prices fell, boosting yields. The U.S. dollar also fell vs. most currencies and gold increased.

Dow futures were down more than 110 points.

A taper in Chinese purchases would come as the Federal Reserve unwinds the massive balance sheet it amassed following the financial crisis. The Fed is also expected to raise rates three times this year. In 2017, the central bank also hiked rates three times.

The U.S. 10-year yield rose to 2.59 percent on Wednesday, hitting levels not seen since last March. The dollar also fell against a basket of major currencies, trading down 0.6 percent at 91.96.

[Click here for the full report.](#)

**Amid signs of a thaw in North Korea, Tensions bubble up**

By: Gerald Seib, 1/9/18

A tentative move toward diplomacy over the confrontation with North Korea has begun, though that hardly means the tension is evaporating.

In a village on their heavily militarized border, North and South Korean officials opened talks Tuesday, ostensibly over possible North Korean participation in the coming South Korean Olympics. South Korea would like the talks to expand beyond that, toward finding broader ways to lower tensions.

But as just one sign of how fraught the situation remains, simply consider this: U.S. officials are quietly debating whether it's possible to mount a limited military strike against North Korean sites without igniting an all-out war on the Korean Peninsula.

Senior officials from South and North Korea held their first formal face-to-face talks in two years on Tuesday, discussing Pyongyang's possible participation in the Winter Olympics and other issues in hopes of cooling tensions.

The idea is known as the "bloody nose" strategy: React to some nuclear or missile test with a targeted strike against a North Korean facility to bloody Pyongyang's nose and illustrate the high price the regime could pay for its behavior. The hope would be to make that point without inciting a full-bore reprisal by North Korea.

It's an enormously risky idea, and there is a debate among Trump administration officials about whether it is feasible. North Koreans have a vast array of artillery tubes pointed across the demilitarized zone at Seoul, the capital of South Korea, with which they could inflict thousands of casualties within minutes if they choose to unleash an all-out barrage.

Now, that danger is coupled with the risk that the North Koreans could attempt to use a nuclear weapon if they choose to escalate in retaliation against even a single strike.

Such a debate reflects how tense the situation remains, even though North Korea has scaled back the pace of its provocative actions in recent weeks and [opened the door to diplomacy](#).

Tuesday's talks marked the first high-level dialogue between the Koreans in two years. After almost a year of regular provocations from North Korean leader Kim Jong Un, they are the first real sign that a diplomatic track is possible to begin de-escalating tensions over his nuclear and missile programs.

The U.S. and South Korea agreed on Thursday to delay their planned joint military exercises. The South Koreans are hosting the Olympics in February and want a period of calm and peace on the Korean Peninsula during that period. WSJ's Gerald F. Seib explains the short-term and long-term consequences of the delay.

A key question is whether the conversation can expand beyond the Olympics to include other topics Seoul wants to discuss, notably reunification of Korean families split between North and South, and a general lowering of hostility.

Even if that happens, though, the diplomatic move needed to really start dialing back tensions would be conversations between North Korea and the U.S. That possibility seems stuck in a long-distance dance between Pyongyang and Washington, with each side making opening bids the other finds unacceptable.

North Korea wants the U.S. to forswear [joint military activities with South Korea](#) in advance of talks, while the U.S. insists

the goal of talks should be to eliminate North Korea's nuclear arsenal, not merely contain it. Each side finds the other's conditions unacceptable.

Indeed, diplomats suspect North Korea's engagement with South Korea is an attempt to drive a wedge between Seoul and its American allies, thereby reducing the possibility the U.S. could take any kind of military action against Pyongyang.

Efforts are under way to broaden the diplomatic opening beyond Tuesday's intra-Korean conversation. Jonathan Powell, a former chief of staff to British Prime Minister Tony Blair, has offered to help try to get broader conversations going, three people in the diplomatic community said.

And Jeffrey Feltman, an American diplomat now serving as U.N. under secretary-general for political affairs, recently traveled to North Korea to explore diplomatic possibilities. But Mr. Feltman returned alarmed at what he found in Pyongyang, where he sensed little interest in either talks with the U.S. or moving off the North's current nuclear track, say those who have talked with him.

Within the Trump administration, officials say, Secretary of State Rex Tillerson and Defense Secretary Jim Mattis remain focused on trying to get a broader diplomatic effort under way to rein in the North Korean nuclear program. National security adviser H.R. McMaster is arguing more vocally, publicly and privately, that military options need to be considered.

The wild card, as in all things in the Trump administration, is President Donald Trump himself. He signaled his own interest in a diplomatic track in the past. But he has also seemed to disavow Mr. Tillerson's overtures on negotiations. And his recent tweet—asserting he has a "bigger" nuclear button than does Mr. Kim—is, in the words of one experienced diplomat, the equivalent of "waving a red flag before a bull."

The U.S. hasn't done the kind of logistical preparations needed for a full-blown conflict on the Korean Peninsula. Still, as the talk of a "bloody nose" option suggests, that doesn't mean one can't happen.

Thanks to the Olympics and the intra-Korean diplomatic opening, the next few months figure to be relatively calm. But depending on whether the diplomatic opening widens or not, mid-2018 could be a time of reckoning.



**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** Hanson, Andrew  
**Sent:** Fri 7/7/2017 1:30:39 PM  
**Subject:** Use/forward this one  
WOTUSFedCommentsByState.docx

**From:** Bennett, Tate  
**Sent:** Friday, July 07, 2017 9:03 AM  
**To:** Hanson, Andrew <Hanson.Andrew@epa.gov>  
**Subject:** Re: WOTUS letter from Cmsr Pigott (IN)

I know! Sarah pinged me asking for our numbers bc we (you) did a better job aggregating.

On Jul 7, 2017, at 8:50 AM, Hanson, Andrew <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)> wrote:

Hey –

The attached is current....most of what is trickling in at this point has already been received/logged by the portal/docket. OWOW is currently developing its substantive review/overview.

**From:** Bennett, Tate  
**Sent:** Thursday, July 06, 2017 8:59 PM  
**To:** Hanson, Andrew <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)>  
**Subject:** Fwd: WOTUS letter from Cmsr Pigott (IN)

Need to catch up with you on these! Sorry I missed you today! :(

Begin forwarded message:

**From:** "Barbery, Andrea" <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)>  
**To:** "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** "Bowles, Jack" <[Bowles.Jack@epa.gov](mailto:Bowles.Jack@epa.gov)>, "Osinski, Michael" <[Osinski.Michael@epa.gov](mailto:Osinski.Michael@epa.gov)>, "Borum, Denis" <[Borum.Denis@epa.gov](mailto:Borum.Denis@epa.gov)>, "Hanson, Andrew" <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)>, "Beckmann, Ronna Erin" <[beckmann.ronna@epa.gov](mailto:beckmann.ronna@epa.gov)>, "Fortin, Denise" <[Fortin.Denise@epa.gov](mailto:Fortin.Denise@epa.gov)>, "Deamer, Eileen" <[deamer.eileen@epa.gov](mailto:deamer.eileen@epa.gov)>

**Subject: WOTUS letter from Cmsr Pigott (IN)**

Hi Tate,

Attached and in your inbox is a June 19, 2017 letter from Indiana DEM Commissioner Pigott on WOTUS (AX-17-001-0549).

Thanks,  
Andrea  
202-564-1397

-----Original Message-----

From: [cmsadmin@epa.gov](mailto:cmsadmin@epa.gov) [mailto:[cmsadmin@epa.gov](mailto:cmsadmin@epa.gov)]

Sent: Tuesday, June 27, 2017 4:33 PM

To: Eades, Cassaundra <[Eades.Cassaundra@epa.gov](mailto:Eades.Cassaundra@epa.gov)>; Scott, Sonya <[scott.sonya@epa.gov](mailto:scott.sonya@epa.gov)>; Labbe, Ken <[Labbe.Ken@epa.gov](mailto:Labbe.Ken@epa.gov)>; Bowles, Jack <[Bowles.Jack@epa.gov](mailto:Bowles.Jack@epa.gov)>; Wilkes, Quianna <[Wilkes.Quianna@epa.gov](mailto:Wilkes.Quianna@epa.gov)>; Mims, Kathy <[Mims.Kathy@epa.gov](mailto:Mims.Kathy@epa.gov)>; Scales, Wuanisha <[Scales.Wuanisha@epa.gov](mailto:Scales.Wuanisha@epa.gov)>; Tillery, Loreto <[Tillery.Loreto@epa.gov](mailto:Tillery.Loreto@epa.gov)>; Banks, Portia <[Banks.Portia@epa.gov](mailto:Banks.Portia@epa.gov)>; Richardson, RobinH <[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>; Hannon, Arnita <[Hannon.Arnita@epa.gov](mailto:Hannon.Arnita@epa.gov)>; Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)>; Cook-Shyovitz, Becky <[Cook-Shyovitz.Becky@epa.gov](mailto:Cook-Shyovitz.Becky@epa.gov)>; Cheatham-Strickland, Latonia <[Cheatham-Strickland.Latonia@epa.gov](mailto:Cheatham-Strickland.Latonia@epa.gov)>; Nitsch, Chad <[Nitsch.Chad@epa.gov](mailto:Nitsch.Chad@epa.gov)>; Lyons, Troy <[lyons.troy@epa.gov](mailto:lyons.troy@epa.gov)>; Kuhn, Kevin <[Kuhn.Kevin@epa.gov](mailto:Kuhn.Kevin@epa.gov)>  
Subject: CMS New Assignment - Jacqueline Leavy - AX-17-001-0549

Control AX-17-001-0549 has been assigned to your office on 6/27/17 4:33 PM by Jacqueline Leavy. Please go to the CMS webpage to view the details of the control.

Summary Information -

Control Number: AX-17-001-0549

Control Subject: Waters of the United States

From: Pigott, Bruno L.

Note: This Email was automatically generated. Please do not attempt to respond to it.

You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or [CMSInformation@epa.gov](mailto:CMSInformation@epa.gov).

<WOTUSFedCommentsByState.docx>

## **WOTUS Commenters as of C.O.B. July 6, 2017**

**At a glance:**    **19 Governors**  
                      **2 Lieutenant Governors**  
                      **20 Attorneys General** (all signed one letter)  
                      **18 Intergovernmental Associations**  
                      **60 cabinet-level state agencies**

### **ALABAMA**

Attorney General Steve Marshall  
Alabama Department of Agriculture

### **ALASKA**

**Governor Bill Walker**  
Attorney General Jahna Lindemuth

### **ARIZONA**

**Governor Doug Ducey**  
Apache County, District 3  
Eastern Arizona Counties Organization  
Gila County Board of Supervisors (Cline)  
Gila County Board of Supervisors (Humphrey)  
Gila County Board of Supervisors (Martin)  
\*\*Gila County Board of Supervisors letter with 3 signatures  
Graham County Board of Supervisors  
Greenlee County Board of Supervisors  
Navajo County Board of Supervisors (Thompson)  
Navajo County Board of Supervisors (Whiting)  
Pima County

### **ARKANSAS**

**Governor Asa Hutchinson**  
Attorney General Leslie Rutledge  
Arkansas Department of Agriculture  
Benton County (judge)  
Boone County (judge)  
Carroll County (judge)

Craighead County (judge)  
Faulkner County (justice of the peace)  
Greene County (judge)  
Hot Spring County (Dist 10 justice)  
Logan County, (Dist 2 & 3 justice)  
Logan County (Dist 5 justice)  
Marion County (judge)  
Mississippi County (judge)  
Newton County (judge)  
Poinsett County (judge)  
Polk County (judge)  
Pope County (Dist 6 & 9 justice)  
Pulaski County (justice)  
Saline County (judge)  
Searcy County (clerk)  
Sebastian County (judge)  
Sebastian County (Dist 10 justice)  
Stone County (Clerk)

## **CALIFORNIA**

Association of California Water Agencies  
California Association of Sanitation Agencies  
California Department of Transportation  
California Storm Water Quality Association  
City of Azusa (city mgr)  
City of Corona (city mgr)  
City of Lake Forest (env. mgr)  
City of Manteca (mayor)  
City of San Juan Capistrano (city mgr)  
City of Santa Ana (engineer)  
Del Norte County Board of Supervisors  
Elsinore Valley Municipal Water District  
La Mesa (Helix) Water District  
Los Angeles County Department of Public Works  
Orange County Public Works  
Riverside County Flood Control District  
Rural County Representatives of California  
San Diego County Water Authority  
San Diego County Planning and Development Services  
San Gabriel Valley Council of Governments  
Sanitation Districts of Los Angeles County  
Santa Fe Irrigation District  
Santa Margarita Water District  
Tuolumne County Board of Supervisors  
Western Municipal Water District

## **COLORADO**

**\*\*Joint letter:** Colorado Department of Agriculture  
Colorado Department of Natural Resources  
Colorado Department of Public Health and Environment  
City of Aurora Water Administration  
Huerfano County Water Conservation District  
Northwest Colorado Council of Governments  
Pitkin County (attorney)

## **CONNECTICUT**

Connecticut Department of Energy and Environmental Protection

## **FLORIDA**

Florida Department of Agriculture and Consumer Services  
Florida Department of Environmental Protection  
Charlotte County Board of Commissioners

## **GEORGIA**

Attorney General Christopher Carr  
Georgia Department of Natural Resources

## **HAWAII**

**Governor David Ige**

## **IDAHO**

**Governor Butch Otter** **\*\*joint letter with**  
Idaho Department of Agriculture  
Idaho Department of Water Resources  
Idaho Association of Counties

## **ILLINOIS**

Illinois Environmental Protection Agency

## **INDIANA**

Attorney General Curtis Hill, Jr.  
Indiana Department of Environmental Management  
Association of Indiana Counties  
County Supervisors Association of Indiana  
Blackford County Surveyors  
Hamilton County Surveyors  
Hancock County Surveyors

## **IOWA**

**Governor Kim Reynolds**      \*\*joint letter with  
Lt. Governor Adam Gregg  
Buchanan County

## **KANSAS**

**Governor Sam Brownback**  
Attorney General Derek Schmidt

## **KENTUCKY**

Attorney General Andy Beshear  
Energy and Environment Cabinet (Secretary)

## **LOUISIANA**

Attorney General Jeff Landry  
Louisiana Department of Environmental Quality (Secretary)  
Jefferson Parish Department of Environmental Affairs

## **MAINE**

**Governor Paul LePage**

## **MASSACHUSETTS**

Massachusetts Department of Environmental Protection

## **MICHIGAN**

Attorney General Bill Schuette

**\*\*Joint letter:** Michigan Department of Agriculture and Rural Development and  
Michigan Department of Environmental Quality

## **MINNESOTA**

**\*\*Joint letter:** Minnesota Department of Natural Resources  
Minnesota Pollution Control Agency

## **MISSISSIPPI**

**Governor Phil Bryant**

Forrest County (supervisor)

## **MISSOURI**

**Governor Eric Greitens** **\*\*joint letter with**  
Missouri Department of Natural Resources  
Attorney General Josh Hawley

## **MONTANA**

Montana Department of Environmental Quality, Department of Natural Resources and Conservation

## **NEBRASKA**

**Governor Pete Ricketts** **\*\*joint letter with**  
Nebraska Department of Agriculture  
Nebraska Department of Environmental Quality  
Nebraska Department of Natural Resources

## **NEVADA**

**Governor Brian Sandoval**

Attorney General Adam Paul Laxalt  
Nevada Division of Environmental Protection  
Nevada Association of Counties  
Clark County Regional Flood Control District

Humboldt River Basin Authority

**NEW HAMPSHIRE**

**Governor Chris Sununu**

**NEW MEXICO**

New Mexico Department of Agriculture

**NEW YORK**

New York State Department of Environmental Conservation

**NORTH CAROLINA**

Lieutenant Governor Dan Forest

North Carolina Department of Environmental Quality (Secretary)

**NORTH DAKOTA**

**Governor Doug Burgum**

Attorney General Wayne Stenehjem

**OHIO**

Attorney General Mike DeWine

Ohio Environmental Protection Agency

Ohio Department of Transportation

Ohio Department of Agriculture

Ohio Department of Natural Resources, Division of Mineral Resources

Ohio Department of Natural Resources, Division of Oil and Gas Resources Management

**OKLAHOMA**

Attorney General Mike Hunter

**\*\*Joint letter:** Commissioner of Agriculture  
Secretary of Energy and Environment  
Secretary of Transportation



## **OREGON**

**\*\*Joint letter**   Oregon Department of Environmental Quality  
Oregon Department of Fish and Wildlife  
Oregon Department of Forestry  
Oregon Department of State Lands

Jackson County Road Department

Yamhill County Commission

## **PENNSYLVANIA**

**\*\*Joint letter:**   Pennsylvania Department of Agriculture  
Pennsylvania Department of Conservation and Natural Resources  
Pennsylvania Department of Environmental Protection  
Pennsylvania Fish and Boat Commission  
Pennsylvania Department of Transportation (nat res. staff)

## **SOUTH CAROLINA**

**Governor Henry McMaster**  
Attorney General Alan Wilson  
Dorchester County Administrator

## **SOUTH DAKOTA**

Attorney General Marty Jackley  
South Dakota Department of Environment and Natural Resources  
Pennington County Board of Commissioners

## **TENNESSEE**

**\*\*Joint letter:**   Tennessee Department of Agriculture and  
Tennessee Department of Environment and Conservation

## **TEXAS**

Attorney General Ken Paxton  
Railroad Commission of Texas (All three commissioners)  
Texas Commission on Environmental Quality  
Texas Department of Agriculture  
Texas Department of Transportation  
Texas General Land Office

## **UTAH**

Attorney General Sean Reyes  
Public Lands Policy Coordination Office (director)  
Duchesne County Commission

## **VIRGINIA**

Commonwealth of Virginia Department of Agriculture and Consumer Services  
Spotsylvania County (engineer)

## **WASHINGTON**

Washington Department of Ecology

## **WEST VIRGINIA**

Attorney General Patrick Morrisey  
West Virginia Department of Environmental Protection

## **WISCONSIN**

Attorney General Brad Schimel  
Wisconsin Department of Natural Resources

## **WYOMING**

### **Governor Matt Mead**

Wyoming Association of Conservation Districts  
Wyoming County Commissioners Association  
Wyoming Department of Environmental Quality  
Wyoming Coalition of Local Governments

## **INTERGOVERNMENTAL ASSOCIATIONS**

**\*Joint Letter from the National Association of Counties, National League of Cities, U.S. Conference of Mayors**  
**Association of Clean Water Administrators**  
**Association of State Floodplain Managers**

Association of State Wetland Managers  
Environmental Council of the States  
National Association of Conservation Districts  
National Association of Clean Water Agencies  
National Association of State Departments of Agriculture  
National Association of Flood and Stormwater Management Agencies  
National Conference of State Legislatures  
National Governors' Association – Gov. Edmund Brown (CA) and Gov. Matt Mead (WY)  
National Municipal Storm Water Alliance  
National Water Resources Association  
New England Interstate Water Pollution Control Commission  
Western Governors' Association – Gov. Steve Bullock (MT) and Gov. Dennis Daugaard (SD)  
Western States Water Council

**\*\*Joint Letter signed by Attorneys General from 20 states**

**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** Samuel DeMarco III  
**Sent:** Thur 12/14/2017 3:19:03 AM  
**Subject:** Fwd: A New Chapter Begins in the Long Running PWSA Saga

Good evening Tate,  
I wanted to forward this email from a local think tank for some additional background on the Pittsburgh Water and Sewer Authority. Please forward to the appropriate folks dealing with this.

P.S. Have a Merry Christmas!

Thank you,

Councilman Sam DeMarco  
(412) 370-1737

Begin forwarded message:

**From:** allegheny institute for public policy  
<[allegheny\\_institute\\_for\\_public\\_p@mail.vresp.com](mailto:allegheny_institute_for_public_p@mail.vresp.com)>  
**Subject:** A New Chapter Begins in the Long Running PWSA Saga  
**Date:** December 13, 2017 at 9:12:26 AM EST  
**To:** [council@alleghenycounty.us](mailto:council@alleghenycounty.us)  
**Reply-To:** allegheny institute for public policy <[reply-cf9667db1c-acad8b3768-7793@u.cts.vresp.com](mailto:reply-cf9667db1c-acad8b3768-7793@u.cts.vresp.com)>

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### A New Chapter Begins in the Long Running PWSA Saga

(December 13, 2017)--Summary: The year 2017 has not been kind, to say the least, to the Pittsburgh Water and Sewer Authority (PWSA). As *Policy Brief Vol. 17, No. 14*, described earlier this year, the PWSA's very old infrastructure has been continually springing leaks that have cost millions of dollars to repair. The mayor proposed leasing the beleaguered authority to a private operator. But given the very high level of debt and the daunting problem of replacing the many miles of water and sewer lines at a cost of several billions of dollars, finding a firm that will enter into a lease agreement on the mayor's terms is not likely to happen. A state auditor general's (AG) report claims that half of all the water treated is lost before it reaches customers.

---

PWSA's very serious problems caught the eye of the state Legislature which introduced a bill (HB 1490) back in June to place the authority under regulation by the state Public Utility Commission (PUC). After the House passed the bill and sent it to the Senate, HB 1490 was not acted on again for several months. It received legislative approval and was signed into law in late November.

The legislation does two essential things: First, it holds the PWSA accountable for putting together a compliance plan to bring its procedures such as accounting, billing and technology in line with the requirements applicable to other PUC-governed water and wastewater utilities. The authority needs to improve its asset management capabilities so it will know what assets need repair and be able to prioritize those repairs.

Second, it requires the PWSA to create a long-range plan to improve its infrastructure. This plan must include a general description of items needing repair, where they are located and an initial schedule of the planned repairs or replacements. The PWSA will also be required to project annual expenditures to implement the plan and will be allowed to raise rates to pay for the repairs/replacements. The authority will be allowed to update the charge quarterly as appropriate while keeping customers informed about any rate increases. In addition, the PUC will require the authority to submit an annual plan detailing what has been improved or replaced as well as a description of the work to be done in the coming year. This requirement is designed to ensure that the PWSA follows through on the urgent need to replace the outdated and fragile infrastructure.

The legislation gives the authority six months (until May 20, 2018) to present its compliance plan.

In addition to legislative action on the PWSA this year, the AG conducted an audit of the authority (the city controller had performed an audit earlier in the year). The AG audit focused on the leadership of the PWSA and its ties to city government but also provided a useful history of the authority.

A succinct recap of that history follows: The PWSA was established in 1984 under the Municipal Authorities Act of 1945 but was not granted a fully independent status. Indeed, its primary function was to oversee a \$200 million capital improvement program to refurbish the entire system. The city would bill the PWSA for any back-office services the authority used and employees remained on the city payroll. In 1995, the PWSA and city replaced the 1984 arrangement by entering into a new agreement in which the authority would lease the system from the city for an upfront payment of \$101.4 million to cover the 30 year lease. At the end of the lease, the authority could purchase the system for \$1.

However, the 1995 agreement also included a 40-year co-op arrangement in which the city would also provide for a fee the same services agreed to in 1984—telephone and data, vehicle fuel and repair, legal aid, computer services, payroll service and administration of benefit programs. A major change was to move PWSA employees off the city's payroll.

In addition, the PWSA would provide the city with 600 million gallons of water per year at no charge (estimated to be worth \$6 million and \$6.84 million at 2016 and 2017 rates, respectively). The city would also charge the authority for direct and overhead expenses for any services required (estimated to be worth a total of \$7.15 million from 2012 to 2016). Furthermore, the PWSA is required to make equalization payments to city residents not served by the authority and have to get their water from another provider if its water costs more than PWSA water. Over the three years ending in 2016, this requirement cost PWSA an estimated \$4.8 million.

Both the 1984 and 1995 agreements placed conditions on the PWSA that doomed it to financial hardship—while providing a bailout for a city that couldn't put its fiscal house in order. The AG quoted a former mayor who claimed that from 1984 to 1995 the PWSA was used to help balance the city's budgets. Revenues were diverted to uses not related to the PWSA system limiting the authority's ability to invest in infrastructure upgrades.

A primary aim of the 1995 agreement was to spin off the PWSA to “focus on rebuilding the system and not use it as a financial tool of the city.” The AG's report notes that the city used the \$101.4 million payment—which the PWSA had to borrow—to improve its own financial situation. According to the audit, “the City retained ownership of the system, yet pawned the financial and operation responsibilities of the neglected system off on the PWSA.”

The AG believes the “City has over-extended authority regarding the PWSA.” Based on the original governing documents (1984 and 1995 leases), the city never intended the PWSA to be a truly independent organization. That starts with the makeup of the board of directors. One seat belongs to city council, two belong to the city finance director and treasurer and the remaining four are appointed by the mayor. The board appoints an executive director. Little wonder the authority agreed to lopsided agreements with the city.

Additionally, to the detriment of the PWSA, the 1995 lease agreement states that the PWSA is to keep the system in “as good condition as it is in on the date hereof, ordinary wear and tear excepted... while also putting all the financial burden on the authority.” The new 1995 agreement stipulates that “the City shall not be liable for any [PWSA] debt payments.” This holds the PWSA responsible for the system and absolves the city of any responsibility

even though it still owns the system's assets. City ownership of the assets and the co-op agreement have limited the steps PWSA could take to accelerate needed improvements. This arrangement designed to benefit the city while hamstringing the PWSA is not remotely akin to good governance.

As mentioned above the AG audit reports that the city receives free water worth close to \$7 million, the value of the 600 million gallons allowed under the 1995 agreement. What is not known is how much water the city *actually* uses because the water it uses is not metered. The city does not have a list of all properties that receive free water. However, as the audit explains the known free water users include, "its departments, agencies and instrumentalities (i.e., Pittsburgh Zoo, Phipps Conservatory, National Aviary, and Schenley Golf Course)." Although in a footnote it is explained that the golf course was metered in 2012 and has been paying bills, but for prior years was not.

The PWSA has severely under-invested in its infrastructure in large part due to the heavy debt load incurred over the past 30 years. The audit notes the debt levels (debt, bond and loan debt minus swap debt) increased from \$300 million in 1995 to \$680 million in 2012 to \$750 million at the end of 2016.

High debt levels at the PWSA have critically hampered the authority's ability to make adequate investments in its infrastructure. For the years 2012-2016, the period of the audit, the PWSA's average annual capital investment was \$31.4 million, ranging from \$21.4 million in 2013 to \$47.2 million in 2015. The recommended annual capital investment during this time, as noted by a PWSA official, was \$200 million. Obviously the actual investment fell well short of what was needed.

Misuse of the PWSA as a source of funding for the city resulted in inadequate expenditures on the crumbling infrastructure. This ill-advised policy has caught up to the authority (and the city) in a big way and it will cost several billions of dollars to fix the problems now staring them in the face.

So where does the PWSA go from here?

Provisions of HB 1490 require the authority to start working on a plan to begin addressing the dreadful condition of its delivery infrastructure. Presumably, the PWSA board is taking the six-month deadline seriously. Moreover, the board and the city should also take the AG's audit to heart and begin to develop a more arms-length relationship wherein the PWSA has greater independence and less influence from city government officials. Perhaps the PUC can help with that effort. While the authority will remain an autonomous entity, its board will be accountable to the PUC and ultimately the Legislature which will undoubtedly be keeping a close watch.

Of utmost importance is to keep the PWSA's critical problem of repairing and/or replacing its very old equipment at the forefront of management thinking. And that project will be very costly—recent estimates place the cost at \$5 billion. Unfortunately, with its current debt and revenue levels, the authority will find it difficult to borrow the enormous amount of funding necessary to carry out a long term repair and replace program. Thus, as our earlier *Policy Briefs* pointed out, customers will be forced to bear the cost of borrowing the funds for the project in the form of substantially higher rates. Note that rate hikes must be approved by the PUC and those increases must conform to the long-term plan.

And what can the city do to help fix the mess it has allowed to develop? While the co-op agreement frees the city from any PWSA debt responsibility, nonetheless the city should take steps to help. First of all it needs to meter all city properties and begin paying for water like any other user. Secondly, city officials should pledge to support the PWSA as it develops a long-term plan as required by law and avoid carping when rate hikes become necessary. Indeed, city officials should help prepare residents and businesses for the likelihood of substantially higher water and sewer bills to come over the next several years. Dealing with this critical problem cannot be avoided any longer. In short, the city must accept the urgent need for a wholesale system upgrade and fully and willingly cooperate and assist in the process.

Frank Gamrat, Ph.D. Senior Research Associate  
Jake Haulk, Ph.D., President

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**Cc:** Fonseca, Silvina[Fonseca.Silvina@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]  
**From:** Falvo, Nicholas  
**Sent:** Wed 1/24/2018 2:15:46 PM  
**Subject:** Background on sites for Lois Gibbs meeting  
[image2018-01-24-064141.pdf](#)

see attached

Minden, WV  
Hoosick Falls, NY  
CTS of Asheville, NC  
Newsom Brothers/Old Reichhold Chemicals, Columbia, MS  
Tar Creek, OK  
West Lake Landfill, MO  
San Jacinto River Waste Pits, TX

**To:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** Daniell, Kelsi  
**Sent:** Fri 6/29/2018 12:47:54 PM  
**Subject:** Fwd: Morning Energy, presented by ExxonMobil: What comes next for FERC? — Perry's New York state of mind — Pruitt meets California official on cars

Got Kelsey to include our meeting!

Sent from my iPhone

Begin forwarded message:

**From:** "POLITICO Pro Energy" <[politicoemail@politicopro.com](mailto:politicoemail@politicopro.com)>  
**Date:** June 29, 2018 at 2:44:20 AM PDT  
**To:** <[daniell.kelsi@epa.gov](mailto:daniell.kelsi@epa.gov)>  
**Subject:** Morning Energy, presented by ExxonMobil: What comes next for FERC? — Perry's New York state of mind — Pruitt meets California official on cars  
**Reply-To:** "POLITICO subscriptions" <[reply-fe9013757364017d7d-630326\\_HTML-848943095-1376319-0@politicoemail.com](mailto:reply-fe9013757364017d7d-630326_HTML-848943095-1376319-0@politicoemail.com)>

By Kelsey Tamborrino | 06/29/2018 05:41 AM EDT

*With help from Anthony Adragna*

**PLOT TWIST:** FERC Commissioner Rob Powelson shocked the energy world Thursday night when he announced he will leave the agency to lead a trade association for water utilities. Powelson, a Republican appointed by President Donald Trump, was one of the agency's fiercest critics of the administration's efforts to bail out struggling coal and nuclear power plants, but he told Pro's Darius Dixon that policy disagreements had nothing to do with his decision. He said he simply couldn't pass up the once-in-a-lifetime opportunity to take a great job as CEO of the National Association of Water Companies that would allow him to nix the commute to Washington from his home near Philadelphia.

**There is no "subplot to this,"** Powelson said, adding it was a decision he made with his family. "I'm at peace. I know people want to be like, 'Argh, he got forced out! He pissed off the president or Rick Perry.' I'm free to speak my mind now more than ever. And as a Philly boy, I will let it fly," he said. "No one came at me and said, 'You need to move on. You know if that would ever happen, I would never do it anyway. ... If I was done wrong, I'd tell you about it. But life is better than I deserve it to be."

**His departure will leave FERC deadlocked,** and likely unable to approve new interstate natural gas pipelines over Democratic objections related to issues like climate change. Powelson was a critic against the administration's coal and nuclear bailout pitch, telling a Senate committee earlier this month that a bailout "goes against everything we talk about in

terms of supply-and-demand side economics."

**Now Trump has a chance to nominate** a new commissioner who is friendlier to his pro-coal policies. Still, that person will require Senate confirmation with a tough calendar ahead. Keep in mind, the Senate is racing toward midterm elections, August recess and now a new Supreme Court confirmation — making a speedy confirmation for a FERC nominee all the more unlikely. Read [more](#).

**NEW YORK STATE OF MIND:** Energy Secretary Rick Perry offered some harsh words Thursday for the state of New York energy, suggesting the federal government should consider preventing the state from blocking new natural gas pipelines. "I think we need to have a conversation as a country, is that a national security issue that outweighs political concerns in Albany, New York?" Perry said, referring to the administration's central national security argument behind efforts to bail out economically struggling coal and nuclear power plants.

**Perry has criticized New York Gov. Andrew Cuomo** for years, but didn't mention him by name in his remarks at the World Gas Conference. Perry said political opposition to new gas infrastructure had left the state vulnerable, including to major winter storms and cyberattacks. "And people literally have to start making the decision about 'Do I keep my family warm? Do I keep the lights on?' Does the financial center of New York go dark? Do the hospitals shut down?" he said. Read [more](#) from Pro's Matt Daily.

**FINALLY FRIDAY!** I'm your host, Kelsey Tamborrino. PECO's Tom Bonner correctly identified the three current governors born in Pennsylvania: John Kasich, John Hickenlooper and Tom Wolf. A geography question to close out the week: What state has a triple divide that allows water to flow to the Pacific Ocean, Atlantic Ocean or the Hudson Bay? Send your tips, energy gossip and comments to [ktamborrino@politico.com](mailto:ktamborrino@politico.com), or follow us on Twitter [@kelseytam](#), [@Morning\\_Energy](#) and [@POLITICOPro](#).

**PRUITT MEETS CALIFORNIA OFFICIAL ON CARS:** EPA Administrator Scott Pruitt will meet with California's top air regulator this morning in San Francisco, the agency said. Pruitt and Mary Nichols, the head of the California Air Resources Board, will discuss various issues including "cooperative federalism, car and truck greenhouse gas standards, and NAAQS," according to EPA. The Trump administration is weighing action on car emissions standards that could spark a court showdown with California, as it currently has authority to set its own greenhouse gas limits on tailpipe emissions. The last time EPA met with CARB officials, the agency called it a "productive" meeting, although Nichols [took to Twitter](#) shortly after to dispute that characterization.

**\*\* Presented by ExxonMobil:** Natural gas has become more important than ever. That's because it's fueling an American manufacturing revival and creating jobs while lowering emissions. And ExxonMobil is one of the world's largest providers. [EnergyFactor.com](#) \*\*

**ZINKE TAKES HIS TURN:** Kicking off the final day of the weeklong World Gas Conference, Interior Secretary Ryan Zinke will deliver opening remarks at a panel on

innovation in the energy industry that's set to answer questions like, "How can innovative technologies, business models and operating practices shape the future of the global natural gas industry?"

**Later in the day**, EPA's air chief, Bill Wehrum, will join a workshop on the "role of voluntary action in methane management" — an interesting discussion as greens have pointed fingers at the agency after [a report](#) released last week found oil and gas methane emissions are greater than previously thought. Former Energy Secretary Ernest Moniz will close out the conference with remarks about "energy systems of the future."

**FOR YOUR RADAR:** Zinke met with a "good mix" of electricity, oil and gas leaders Thursday afternoon for a roundtable discussion, an industry source who attended the meeting told ME. About 40 or more people attended the meeting with Zinke, the source added, which ranged from discussions on streamlining the permitting process to federal lands. The meeting follows a [similar one](#) in May between Zinke and several conservation groups.

**INTERESTING TEAM:** Reps. [Kyrsten Sinema](#), a Democrat running for Senate in Arizona, and [Steve Stivers](#), the chairman of the National Republican Congressional Committee, released [legislation](#) Thursday that would require political appointees to personally pay back any illegal expenditures of public funds. No one is singled out, but Pruitt's [\\$43,000 privacy booth](#) would certainly fit the bill. To qualify for repayment under the bill, the spending must be found illegal through a joint determination from an inspector general and the Government Accountability Office. Reps. [Brian Fitzpatrick](#), [Josh Gottheimer](#), [Carlos Curbelo](#) and [David Young](#) co-sponsored the legislation.

**TIMING UPDATE:** A House Oversight Committee aide tells ME that staff expect to speak with Kevin Chmielewski, the former Trump EPA political staffer-turned-whistleblower, "within the next couple of weeks." They'll [interview](#) current chief of staff Ryan Jackson today, according to the aide. Pro's Anthony Adragna [reported](#) committee staff also interviewed policy adviser Samantha Dravis on Thursday.

**INDIAN AFFAIRS NOM CONFIRMED:** The Senate confirmed Tara Sweeney to be assistant secretary for Indian Affairs at Interior on Thursday by a voice vote. Sweeney, who previously served as executive vice president of external affairs for Arctic Slope Regional Corporation, was nominated back in October, and was advocated for by Senate Energy Chairman [Lisa Murkowski](#). Sweeney was welcomed in a tweet by [Zinke](#), who said he was "excited" for her arrival. "She is the first Alaska Native woman to hold the position," he tweeted. "A historic day for Alaska and America!"

**IG RELEASES SUMMARY ON NPS ALLEGATION:** Interior's inspector general released a brief summary of its investigation into allegations made against National Park Service Deputy Director P. Daniel Smith. An anonymous employee earlier this year said Smith made an obscene gesture and used vulgar language while standing in the hallway of the agency's headquarters, which prompted OIG to launch an investigation in May. The summary stopped short of condemning Smith, and cites a retelling by Smith and another

NPS employee, who denied that Smith touched himself obscenely or used any vulgar language. The OIG said it could not find anyone else who witnessed the incident.

**Smith, however, "acknowledged he gestured** with his hands to simulate urinating while telling a story and stated that in hindsight, the story and the gesture were not appropriate for work," according to the summary. "The other employee said he was not offended by the story or the gesture but also acknowledged that they were inappropriate for the workplace."

**THIS LAND IS OUR LAND:** Montana Sen. Jon Tester is out with a new statewide ad promoting his stance on public lands, Campaign Pro's Zach Montellaro reports. The ad features a video of Tester speaking about his roots. "My family has made a living off the land in Montana for over 100 years," Tester says, adding, "As long as I'm in the U.S. Senate, Montana is not for sale." Watch the ad.

**GAO: DOE SHOULD IMPROVE SPR OVERSIGHT:** The Government Accountability Office released a report Thursday that offers several ways for DOE to modernize the Strategic Petroleum Reserve. The report found DOE had not identified the optimal size of the reserve, and said the last review conducted by the department "was limited in several ways." GAO made several recommendations, including a suggestion that Congress "may wish to consider setting a long-range target for the size and configuration of the SPR," taking into account issues like future oil production projections and U.S. International Energy Agency obligations.

**"By not examining a full range of options,** DOE risks missing beneficial ways to modernize the SPR while saving taxpayer resources," according to the GAO report, which was requested by the House Energy and Commerce Committee. "We will give GAO's recommendations careful consideration as the committee considers legislative options to address the concerns raised by this report," a joint statement from the E&C energy subcommittee's leadership said.

**REPORT: MORE CAN BE DONE TO FIGHT BLACK LUNG:** Although cases of black lung disease has declined in miners in most areas, excluding Appalachia, a new report from the National Academies of Sciences, Engineering, and Medicine says a "fundamental shift" is required in the way operators approach exposure control in order to eliminate the disease. The report found operators are complying with regulatory requirements, but the basis of such requirements could improve by recommending improvements to current monitoring technologies, as well as building out the research currently being done, among other guidance. Read the report.

**AGs JOIN EPA SCIENCE PANEL SUIT:** Attorneys general from nine states filed an amicus brief this week in support of the plaintiffs suing over EPA's policy barring scientists who receive agency grants from serving on its scientific advisory committees. "The advisory committee Directive has already caused dozens of uniquely qualified scientists to be removed from their posts on EPA advisory boards and committees, while leaving in place (and even increasing) persons affiliated with regulated industries," the brief states. AGs from Washington, California, Illinois, Iowa, Maryland, Massachusetts, New Jersey,

New York and Oregon, and the Pennsylvania Department of Environmental Protection joined [the filing](#).

**MAIL CALL! RECONSIDER THIS:** A bipartisan and bicameral group of lawmakers is calling on Perry to reconsider DOE's move to have power marketing administrations report directly to the assistant secretary for electricity instead of the deputy secretary, as has been tradition. "We are concerned that these changes could lead to decisions that are not in the best interest of Pacific Northwest ratepayers," [they write](#).

**A TIMELINE EMERGES:** The White House is hoping to select a Supreme Court nominee before Trump leaves for his European trip on July 10, POLITICO's Nancy Cook [reports](#). Whomever Trump nominates will likely get a confirmation vote after Labor Day, Senate Majority Whip [John Cornyn](#) said Thursday, [telling](#) POLITICO's Elana Schor he'd be "shocked" if the vote occurred before then. Cornyn, however, added he is "not opposed" to moving more quickly but said the process to confirm a nominee (i.e., background checks) would take quite a bit of time.

**SENATE PASSES FARM BILL:** The Senate Thursday passed a farm bill, [H.R. 2 \(115\)](#), which includes a provision reauthorizing the National Flood Insurance Program. But with the NFIP expiring on July 31, senators are looking at other vehicles to attach a short-term extension, Pro's Zachary Warmbrodt [reports](#).

**MINN. PUC APPROVES LINE 3:** The Minnesota Public Utilities Commission approved Enbridge's proposed Line 3 tar sands pipeline on Thursday in a unanimous 5-0 vote, MPR News reports. The decision came with several conditions, the website writes, "including a decommissioning trust fund to ensure the new pipeline will be retired responsibly decades from now." Green groups have urged the PUC to reject the pipeline, especially following a 2010 Enbridge pipeline spill in Kalamazoo, Mich. Read [more](#).

**VISUALIZE IT:** JUST Capital, a nonprofit business tracking group, will release today its new "Environmental Explorer" interactive tool, which allows users to explore companies based on their environmental impact, including recycling, waste management and electricity use. See it [here](#).

## QUICK HITS

- Sources: India preparing for cut in oil imports from Iran, [Reuters](#).
- "Pope to huddle with environmental leaders, activists," [Axios](#).
- "Gas Natural Fenosa becomes Naturgy," [LNG World News](#).
- "One casualty of Trump's tough Iran stance? U.S. pump prices," [Bloomberg](#).
- "U.S. sues Mount Vernon, alleging Clean Water Act violations," [Associated Press](#).

## HAPPENING TODAY

10 a.m. — Wilson Center [forum](#) on "National Guard Interests in the Arctic: Arctic and Extreme Cold Weather Capability," 1300 Pennsylvania Ave NW.

10 a.m. — The National Academy of Sciences [meeting](#) of the Committee on Offshore Science and Assessment, 2101 Constitution Avenue NW.

12 p.m. — The Federalist Society [teleforum](#) on "EPA's CAFE: What's on the Menu for Fuel Economy and Greenhouse Gas Standards?"

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## Stories from POLITICO Pro

### **GOP FERC commissioner slams latest bailout pitch** [Back](#)

By Darius Dixon | 06/12/2018 03:17 PM EDT

Republican Commissioner Rob Powelson positioned himself Tuesday as FERC's leading critic of the Trump administration's call to rescue financially struggling coal and nuclear plants, panning the latest approach floated by the White House.

Letting the Energy Department prop up money-losing power plants in the name of national security is not necessary to maintain a resilient electric grid, Powelson said at a Senate Energy and Natural Resources Committee hearing with all five FERC commissioners. A former chairman of the Pennsylvania Public Utility Commission, Powelson said electric service was not disrupted by power company bankruptcies during his time as a state regulator.

"These markets are operating hyper-efficiently," he said. "Now, we're seeing the best of all worlds: New resources, cleaner resources, more efficient resources coming in the marketplace. The markets are creating orderly entry and exit, and to put someone's risk capital at play I have grave concerns about that."

The idea of a government bailout "goes against everything we talk about in terms of supply-



and-demand side economics," Powelson added.

DOE is pondering the use of the Federal Power Act and the Defense Production Act to force coal and nuclear power plants to keep operating in the face of overwhelming competition from cheap natural gas and growing renewable power that has pushed big power units into retirement. A memo that circulated at the National Security Council earlier this month cited possible attacks on natural gas pipelines among the justifications for DOE's latest national security approach.

Speaking to reporters after the hearing, Powelson acknowledged that national security "should be part of the conversation," but he seemed skeptical of the administration's shifting justifications for a bailout.

"All of a sudden we have a national conversation that went from potential reliability issues, now to national security issues," he said, referring to DOE's ill-fated effort last year to push for payments to power plants with 90 days of fuel on-site, an earlier tactic aimed at supporting coal and nuclear power. "I struggle with the original posture of saying the FERC's not doing enough. I categorically disagree."

Chairman Kevin McIntyre acknowledged that Energy Secretary Rick Perry has the authority to declare a grid emergency that could require retiring power plants to keep operating, but he did not offer any opinion on the merits of such an approach.

Democratic FERC Commissioner Richard Glick, who once worked for former Energy Secretary Bill Richardson, said the agency has not built up a solid record for declaring a national emergency.

At the end of the Clinton administration, the Western energy crisis was still unfolding and Richardson invoked the emergency powers in the Federal Power Act and made use of the Defense Production Act to force the sale of natural gas supplies into the region because a defense facility was impacted, he said.

"We created a record. We have a record that it truly was an emergency," Glick said. "In this case, I think what we're trying to get a solution before we actually build a record suggesting that there's actually an emergency."

FERC Commissioner Neil Chatterjee, a former aide to Senate Majority Leader Mitch McConnell, tried not to dismiss DOE's proposal out of hand.

"It's a leaked memo. We don't know what the administration intends to do with it. But I think people are also too quickly dismissing it," Chatterjee said. "I've read the memo. There are a number of points in the memo that are thoroughly well-cited and researched and I think we can disagree what the remedy might be but I think they raise a real issue."

On Monday, Chatterjee and Glick penned an editorial that called for setting up a regiment of mandatory standards for natural gas pipeline, the infrastructure that DOE argues poses a

risk to national security.

Senate Energy and Natural Resources Chairwoman [Lisa Murkowski](#) told regulators that she's been frustrated with FERC's pace of addressing market concerns and argued that that may have egged DOE on to jump into the power markets.

"I have my concerns with the steps that the Department of Energy is reported to be considering. But I also recognize that they're trying to fill a perceived vacuum," the Alaska Republican said at Tuesday's hearing.

"In my view, FERC should be pointing the way on policy improvement that address grid vulnerabilities while reaffirming our commitment to competition in wholesale power markets," she said. "And frankly, as one who has been concerned about this issue for years now, I find it unfortunate that prior commissions did not lead more effectively."

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**Powelson: No 'subplot' to surprise FERC exit** [Back](#)

By Darius Dixon | 06/28/2018 08:20 PM EDT

FERC Commissioner Rob Powelson says his surprise decision to resign after just one year at the commission had nothing to do with his frequent objections to one of the Trump administration's main energy policy goals.

The Republican former state regulator has been one of the [most vocal critics](#) of the Energy Department's efforts to rescue economically struggling coal and nuclear power plants, but he said that position was not a factor in his decision to leave the commission. In mid-August, Powelson will take over as CEO of the National Association of Water Companies. He simply jumped at a once-in-a-lifetime opportunity to take a great job that would allow him to avoid commuting to Washington from his home near Philadelphia.

There is no "subplot to this," he told POLITICO on Thursday, saying it was a decision he made with his family.

"I'm at peace. I know people want to be like, 'Argh, he got forced out! He pissed off the president or Rick Perry.' I'm free to speak my mind now more than ever. And as a Philly boy, I will let it fly," he said in a phone interview after announcing his plan to resign.

"No one came at me and said, 'You need to move on,'" he added. "You know if that would ever happen, I would never do it anyway. ... If I was done wrong, I'd tell you about it. But life is better than I deserve it to be."

Powelson's departure could also leave FERC's four remaining commissioners unable to approve new interstate natural gas pipelines over Democratic objections related to climate change or the agency's overall process for assessing the need for those projects. A former chairman of the Pennsylvania Public Utility Commission, Powelson also was one of the strongest advocates for state regulators, especially in PJM — the regional grid that would be most affected by the Trump administration's coal-boosting efforts.

Leaving in August means that Powelson will have served on the commission for just one year of a term that was scheduled to run through mid-2020, making his the shortest tenure in agency history since the 1960s, when FERC was still the Federal Power Commission. It also gives President Donald Trump an opportunity to replace Powelson with a regulator who is friendlier to his pro-coal policies.

Powelson said he didn't expect to be at FERC for such a short time, but felt he couldn't pass up the job offer, especially after the National Association of Water Companies told him it was planning to move its headquarters from Washington to Philadelphia. He has two sons, a rising seventh-grader and a rising 10th-grader, and said that his job change was in part a decision between career moves and an opportunity to be closer to family.

"I had every intention to stay longer. But honestly, I served eight and a half years on the Pennsylvania commission. I love this place. The people are great [at FERC]," he said. "But for me to say no — that opportunity is not coming around again, and I knew that. There was just too much alignment for me not to take it."

The outgoing commissioner also said that he didn't pine for the FERC chairmanship, noting that few people run a state commission as well as FERC like Texas' Pat Wood did.

"I looked at Chairman [Kevin] McIntyre's desk the other day and I don't miss the piles of paper on my desk. I'm perfectly at peace. I was honored to be a commissioner. It's a stressful job to be a chairman and you're running the agency," he said.

"I've done the chairmanship duty [in Pennsylvania] and I'm perfectly at peace with that," he said. With emphasis and a chuckle, Powelson added: "Perfectly at peace, trust me."

He said he told all the commission leadership colleagues about his plans face to face, and sent an all-hands email to FERC staff Thursday.

Powelson warned that he's excited to talk about "water resiliency" and the "water grid" in a post-Flint, Mich., world that is also looking at the energy-water nexus. The association represents water and wastewater utilities such as American Water and Aqua America, among other companies.

"Now I get to be a pain in the ass on water policy," he said.

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## **Rick Perry takes aim at New York** [Back](#)

By James Hohmann | 06/19/2013 05:01 AM EDT

Rick Perry stars in an ad out Wednesday that coincides with his swing across the Northeast to lure jobs to Texas.

The one-minute, campaign-style video — shared first with POLITICO — attacks New York, where the governor is spending the day, as a high-tax, high-regulation state. ( [Watch the ad.](#) )

New York Mayor Michael Bloomberg's ban on large sodas is referenced, and New York Gov. Andrew Cuomo is mentioned by name in the first 30 seconds, which plays out like an attack ad.

The second half turns triumphal, with feel-good music and B-roll of Texas skylines.

"Why have more jobs and businesses moved to Texas than any other state? Our state is No. 1 for business because we have no state income tax," Perry says, "and [Texas] has added more jobs than any state in the nation over the last five years."

The Republican governor, who many believe could run for president again in 2016, notes that Texas was just ranked No. 1 as a place to do business for the ninth straight year by Chief Executive Magazine.

"If you're tired of the same old recipe — of over-taxation, over-regulation and frivolous litigation — get out before you go broke," Perry says, with the state capitol in Austin as a backdrop. "Texas is calling. Your opportunity awaits."

As Perry speaks, messages on screen declare: "Bigger opportunities. Bigger Dreams. A Bigger Future. Go Big With Texas."

Perry is in Connecticut and New York for five days. He has courted, among others, gun manufacturers facing stricter laws in the wake of the Newtown shootings.

This is the latest salvo in [an aggressive campaign](#) to attract businesses and raise the state's profile that has already sent Perry to Illinois and California.

The video appears on the Web site of "Texas Wide Open for Business," which is part of the Economic Development Division within the governor's office.

TexasOne, a privately funded entity, launched a \$1 million radio and TV campaign in Connecticut and New York last week. They are also paying for the governor's trip.

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## **Perry warns of looming New York energy 'reckoning'** [Back](#)

By Matt Daily | 06/28/2018 04:57 PM EDT

Energy Secretary Rick Perry today suggested that the federal government should consider preventing New York state from blocking new natural gas pipelines, echoing the national security argument he has put behind his efforts to bail out struggling coal and nuclear power plants.

Perry, who has [criticized](#) New York Gov. Andrew Cuomo for years, didn't mention the Democratic governor by name, but said political opposition to new gas infrastructure had left the state vulnerable to potential devastating power outages.

"I think we need to have a conversation as a country, is that a national security issue that outweighs political concerns in Albany, New York?" he said.

New York has blocked the expansion of the Constitution Pipeline by denying the project the water permits it needs to extend the pipeline that would carry gas from Pennsylvania.

Perry laid out a scenario to an audience at the World Gas Conference where a major winter storm and cyberattack on the power grid hit the state at the same time.

"And people literally have to start making the decision about 'Do I keep my family warm? Do I keep the lights on?' Does the financial center of New York go dark? Do the hospitals shut down?" he said.

"At that particular point in time, the political leadership of that state that is keeping pipelines from being built — for strictly political purposes — are going to have real reckoning. I wouldn't want to be the governor of that state faced with that situation," he said.

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## **Watchdog reports provide new ammo for Pruitt's critics** [Back](#)

By Alex Guillén and Anthony Adragna | 04/16/2018 12:28 PM EDT

Critics of Scott Pruitt got fresh ammunition against the embattled EPA administrator on Monday, with two federal reports revealing that EPA had broken the law in building him a secure phone booth and that the agency had granted previously undisclosed pay raises of more than 20 percent to his political appointees.

EPA failed to notify lawmakers that it spent more than \$43,000 to build a secure phone booth for Pruitt's office, according to a report from the Government Accountability Office on Monday morning. A few hours later, EPA's inspector general detailed the steep pay hikes — but did offer some support for Pruitt's claim that he had been unaware of controversial raises at the agency, though the internal watchdog stressed its investigation is ongoing.

Pruitt has drawn criticism that he has spent excessively on heightened security since he joined the agency last year. While Monday's GAO report focuses on the phone booth, Pruitt has also expanded his security staff to provide round-the-clock protection and spent heavily on first-class travel for himself and his security personnel to limit his exposure to potential threats from fellow passengers. He also faces questions over his use of special hiring authority to hire former lobbyists and political allies, but the IG's initial findings do not include evidence that he personally circumvented the White House in order to boost their pay, despite earlier reports.

Construction of the phone booth violated the Financial Services and General Government Appropriations Act since it cost well above the \$5,000 limit that requires the agency to notify Congress, according to the GAO.

"We conclude that EPA violated section 710 when it obligated \$43,238.68 for the installation of a soundproof privacy booth without providing advance notice to the Committees on Appropriations of the House of Representatives and the Senate," the GAO report said.

EPA defended the booth as necessary to Pruitt's work, arguing that it was similar to a computer or other equipment he uses. But GAO said the booth is clearly a "furnishment" under the law and thus should have been reported to Congress in advance. EPA did not say whether the phone booth had been certified as a Sensitive Compartmented Information Facility, or SCIF.

"This is just one more example of how Scott Pruitt is blatantly breaking laws and ethics rules that protect taxpayers from government waste, fraud and abuse in order to help himself to perks and special favors — and taking deliberate steps to hide everything from Congress and taxpayers," Sen. Tom Udall (D-N.M.) said in a statement to POLITICO.

Critics wondered why Pruitt needed a place to make secure phone calls in his office since the agency already had two SCIFs in its headquarters. Those SCIFs are located outside of Pruitt's secure suite of offices, however.

The GAO report specifically steered clear of judging whether installing the booth was the

best or only way to provide Pruitt with a secure phone line.

An EPA spokeswoman defended Pruitt's need for the booth but acknowledged that Congress had not been informed ahead of time.

"EPA is addressing GAO's concern, with regard to Congressional notification about this expense, and will be sending Congress the necessary information this week," spokeswoman Liz Bowman said in a statement.

Sen. John Barrasso (R-Wyo.), who chairs the Environment and Public Works Committee, said he wants to hear more from EPA about why it did not properly inform Congress.

"It is critical that EPA and all federal agencies comply with notification requirements to Congress before spending tax payer dollars. EPA must give a full public accounting of this expenditure and explain why the agency thinks it was complying with the law," he said.

GAO is also reviewing Pruitt's appearance in a cattle industry video that asked for public comments on Pruitt's plan to repeal the Waters of the U.S. rule. Democrats similarly alleged his actions violated the Antideficiency Act.

Separately, EPA's inspector general released a preliminary report on its investigation into several political appointees who were hired or promoted under special authority given to Pruitt through the Safe Drinking Water Act.

The report shows a handful of political appointees at EPA saw their salaries boosted by 20 percent or more in their first year at the agency — in some cases over objections from the White House. But Pruitt did not personally sign off on the most controversial raises, leaving open the question of how involved he was in the decision. The IG said the interim report was meant to "provide certain factual information" and "does not present any conclusions or recommendations."

None of the EPA staffers were named in the report, but the salary and other information provided aligns with names included in previously released employment documents reviewed by POLITICO.

The IG's report shows Sarah Greenwalt, senior counsel to Pruitt, received a \$56,765 raise on April 1, while Millan Hupp, director of scheduling and advance, received a \$28,130 raise the same day. Those figures are in line with The Atlantic's report that EPA circumvented the White House to boost their pay.

Chief of staff Ryan Jackson signed forms authorizing both of those pay increases, each time writing "Ryan Jackson for Scott Pruitt," according to documents included with the IG report. Jackson had said last week that he approved the raises.

EPA said those raises have been reversed, but the IG was unable to back up that claim. "We requested from the agency any documentation indicating modifications to the salary of any

of the employees subsequent to the personnel actions noted above. As of report issuance, the agency was unable to provide us with complete information or confirmation of any modifications," according to the report.

The IG's office also uncovered several previously unreported raises, some of which were granted using the drinking water authority and others achieved by changing the employees' job classifications.

In mid-February, Forrest McMurray, an advance staffer from Oklahoma and, like Hupp, a relatively recent college graduate, saw his salary increase 25 percent through the same SDWA process that was later applied to Greenwalt and Hupp. ([Bloomberg News](#) had initially reported on Monday that the third raise granted via that process was to Samantha Dravis, the association administrator running the Office of Policy. But the third salary increase corresponds with McMurray's employment information, and Bloomberg removed Dravis' name from an updated version of its article.)

A fourth aide, speechwriter Lincoln Ferguson, received 25 percent pay increase last September after receiving a renewed position with the SDWA authority. Ferguson worked for Pruitt when he was Oklahoma attorney general.

Pruitt signed off on the raise for Ferguson, but not McMurray, according to the IG report.

Two other political appointees — Liz Bowman, the associate administrator for the Office of Public Affairs, and Kevin Chmielewski, the advance staffer who last week made allegations about mismanagement and wrongdoing at EPA to both Democrats and Republicans — appear to have received raises of more than 20 percent last summer when their employment classification was increased. Chmielewski departed the agency in mid-February.

Brittany Bolen, the senior deputy associate administrator in the Office of Policy, had received a 1.6 percent raise last summer when she underwent the same increase in classification.

The IG report was part of a larger investigation into EPA's use of a special hiring authority under the SDWA, which allows Pruitt to hire up to 30 staffers without having to go through normal hiring procedures or subjecting the staffers to the Trump administration's ethics pledge.

The SDWA authority was intended to allow EPA to bring on board engineers or scientists with subject matter expertise. Democratic critics alleged that Pruitt used it to get key political appointees in place quickly or to bypass ethics issues, and asked for the IG to review the matter. But EPA has dismissed those criticisms.

"Salary determinations for appointees are made by EPA's chief of staff, White House liaison, and career human resources officials. Salaries are based on work history; and, any increases are due to either new and additional responsibilities or promotions," EPA spokesman Jahan Wilcox said.



Records released last summer by EPA show that a dozen EPA political staffers were working in "administratively determined" positions as of mid-July 2017, while another 22 had been converted to permanent political appointees or left the agency.

Among those still working under the special hiring authority at that time were Nancy Beck, the deputy for EPA's chemicals office; Byron Brown, Pruitt's deputy chief of staff; air adviser Mandy Gunasekara; and a number of public affairs officials, including Michael Abboud, James Hewitt, Ferguson and Wilcox. Their status may have changed since.

The IG's audit of EPA's use of the hiring authority will continue, with a final report expected at a later date.

*Emily Holden contributed to this report.*

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## **Oversight will interview two more Pruitt aides this week [Back](#)**

By Anthony Adragna | 06/28/2018 02:47 PM EDT

House Oversight Committee staff are interviewing former EPA policy adviser Samantha Dravis today as they continue their probe into allegations of lavish spending and unethical behavior by Administrator Scott Pruitt, a committee aide confirmed.

In addition, staff plan to interview Pruitt's chief of staff Ryan Jackson on Friday, the aide said.

Dravis and Jackson's interviews come after the committee already spoke with multiple other members of Pruitt's inner circle: former security chief Pasquale "Nino" Perrotta, scheduler Millan Hupp and senior EPA counsel Sarah Greenwalt.

Chairman [Trey Gowdy](#) (R-S.C.) had also [requested](#) an interview with former deputy chief of staff turned whistleblower Kevin Chmielewski by June 22, but it's not immediately clear when that interview will occur.

The latest interviews were first reported by [E&E News](#).

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## **Tester launches new TV ad on public lands** [Back](#)

By Zach Montellaro | 06/28/2018 02:43 PM EDT

Sen. [Jon Tester](#) (D-Mont.) launched a new statewide ad called "Not for Sale," touting his stance on public lands and featuring video of Tester speaking with hunters and fishermen.

The [positive ad](#) opens with the senator talking about his family's roots in the state — "My family has made a living off the land in Montana for over 100 years," Tester says — and features a Montanan praising him, saying "he understands the importance of public lands to Montanans and his values are our values."

"As long as I'm in the U.S. Senate, Montana is not for sale," Tester says at the end of the ad.

Tester is facing Republican state Auditor Matt Rosendale in November.

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## **White House wants Trump to nominate a justice before Putin trip [Back](#)**

By Nancy Cook | 06/28/2018 05:07 PM EDT

The White House hopes to have a Supreme Court nominee chosen by the time President Donald Trump leaves for his European trip on July 10, according to one Republican close to the White House and one person involved with the judicial selection process.

The White House is expected to start interviewing candidates early next week, with the White House's top attorney, Don McGahn, leading that process. The goal is to hold confirmation hearings in August or September, so that any confirmed justice can join the court in early October, before the next term.

Top contenders include Raymond Kethledge, Thomas Hardiman, Amy Coney Barrett, Brett Kavanaugh, and Amul Thapar — though the person involved with the process stressed that other potential nominees from Trump's list of judges could also get a "hard look."

Trump and a cadre of yet-to-be-determined senior administration officials are expected to interview a handful of finalists, similar to how the White House handled the selection of Trump's first Supreme Court pick, Neil Gorsuch.

"The administration has already been through this once, so that really helps a lot. There is already a system in place," said the person involved with the process.

Several outside groups including the Koch-backed Americans for Prosperity and Judicial Crisis Network are expected to help to push the Republican nomination, especially once Trump announces his nominee.

The Judicial Crisis Network spent more than \$10 million to support the Gorsuch confirmation, and JCN chief counsel Carrie Severino predicted the group's spending would exceed that figure this time around. With Democrats aiming to persuade moderate Republicans to block a nominee, she added, "this nomination will be more contentious."

But after months of the president dividing his party over thorny issues like immigration and trade, the Kennedy retirement offers a unique opportunity to motivate Trump's base and, potentially, to mobilize voters frustrated with Trump to turn out the GOP in the midterm elections anyway.

"Republicans have been looking for an issue to ensure their base turns out in November, and I think we've found it with the Supreme Court pick," said Andy Surabian, a Republican strategist and former special assistant to the president and White House deputy strategist in the Trump administration. "I know the pick will happen before the elections, but messaging-wise, I don't think you can have a better one than: 'Do you want the party of Maxine Waters deciding the fate of the Supreme Court?'"

The president seemed ecstatic about the open seat during a Wednesday evening rally in North Dakota. There, he pledged to select a judge who could serve for 40 to 45 years before doing his best to give supporters a sense of urgency about the need for continued Republican control Congress.

"Justice Kennedy's retirement makes the issue of Senate control the vital issue of our time," Trump said. "It's one of most important things we can do.

This opening gives the White House a chance to energize its base for an election many had expected to favor the Democrats. And it calms some tension inside the administration about what messages Republicans should emphasize in the midterms — the tax bill, economy, work on opioid addiction and drug prices, or hard-line immigration policies.

"It's the policy issue of Supreme Court nominations, not tax cuts, that truly unites the Republican Party, as evident by President Trump's debate answer on this topic that fueled his home-stretch spring in 2016," said Jason Miller, a former top aide to Trump during the campaign and transition.

In recent weeks, Republicans have been split apart by the questions of potential tariffs or hard-line immigration moves. While tariffs and a border wall fire up Trump's base of white, working-class voters, those issues have not resonated as well within the business, donor, or establishment Republican community.

Republican leadership on the Hill had hoped that in 2018 Trump's midterm message would focus primarily on the healthy state of the economy and the Republican tax bill of 2017, yet the president himself has had trouble sticking to that message at several recent rallies.

Yet a Supreme Court nomination — which ultimately could affect health care, abortion rights, affirmative action, freedom of religion and speech, guns rights, and corporate regulations - brings together the disparate coalitions of the Republican Party.

Already the anti-abortion group, SBA List, has volunteers on the ground in Ohio, Florida and Indiana going door-to-door to try to woo female voters, Hispanics, and Democrats to support anti-abortion legislation. They just hired field staff to allow them to expand the operation into North Dakota and West Virginia, home states of two vulnerable Senate Democrats, Heidi Heitkamp and Joe Manchin, respectively.

"The Senate is where Supreme Court picks are confirmed. That is one of our driving reasons for engaging at this level," said Mallory Quigley, a spokesperson for SBA List.

On Thursday night, Trump met with a group of bipartisan senators, including Democrats Heitkamp, Manchin and Joe Donnelly and moderate Republicans Susan Collins and Lisa Murkowski, to discuss the Supreme Court vacancy.

Just as they hope to unite conservatives, Republicans are hoping the issue divides Democrats. Already the White House is eyeing the 10 Democratic senators up for reelection

this fall in states that Trump overwhelmingly won in 2016 — and hoping to pressure them into supporting the nominee.

The greatest hope of Trump advisers is that a Supreme Court pick will dominate the news so much that it will not allow Democrats to talk about their vision for health care or the economy or taxes — or to present any positive, forward-looking message.

"There will be no Democratic messaging on jobs, the economy or health care that cuts through, as many will be focused on hypothetical culture wars that make suburban swing voters uneasy," Miller said.

*Eliana Johnson contributed to this report.*

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## **Cornyn: Supreme Court confirmation vote likely after Labor Day [Back](#)**

By Elana Schor | 06/28/2018 12:51 PM EDT

The second-ranked Senate GOP leader on Thursday suggested the Supreme Court confirmation vote to replace Anthony Kennedy would take place sometime in September, saying he "would be shocked" if the vote happened before Labor Day.

Majority Whip John Cornyn (R-Texas) added that he is "not opposed" to moving President Donald Trump's nominee more quickly, but he noted that background checks on Trump's still-unnamed pick are likely to take time.

Republicans have already [made clear](#) that they don't plan to heed Democratic calls for a delay in the Supreme Court confirmation until after November's election to give midterm voters a chance to weigh in.

Supreme Court nominees since the Ford administration spent an average of 67 days between their nomination and final confirmation, according to a 2015 report from the Congressional Research Service — a window that Cornyn told reporters he "would endorse" as a goal. Of course, that figure doesn't include President Barack Obama's Supreme Court nominee, Merrick Garland, whom Republicans blocked and denied a confirmation hearing in 2016.

Republican senators anticipate dedicating much of August to passing appropriations bills, meaning that a final Supreme Court vote would wait until September. The high court's next term is set to begin on the first Monday of October.

Senate Judiciary Chairman Chuck Grassley (R-Iowa), however, declined to commit to any

timetable.

"Everything is going to be judged by when the president makes an appointment and what [Majority Leader Mitch] McConnell wants to schedule," Grassley said. At this point, it's all speculation. And there's no point in speculating."

Cornyn also cautioned Trump against selecting any nominee with a publicly stated position on overturning court precedents such as *Roe v. Wade*.

"I think that would be a terrible mistake, for the president to nominate somebody who had that sort of agenda," Cornyn told reporters, adding that "we don't need judges who have either personal or political or ideological agendas, in my view. And I think that ought to comfort all of us."

It's common for presidents of both parties to avoid picking a nominee with a lengthy paper trail for opponents to seize on, though Trump has previously said he would want to appoint anti-abortion judges to the high court.

One member of Trump's Supreme Court shortlist, Sen. Mike Lee (R-Utah), has championed anti-abortion legislation, although he suggested Thursday that *Roe* might be safer after Kennedy's retirement than some on the left have argued.

*Burgess Everett contributed to this report.*

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## **Senate passes farm bill with flood insurance extension [Back](#)**

By Zachary Warmbrodt | 06/28/2018 06:09 PM EDT

The Senate today passed a farm bill, [H.R. 2 \(115\)](#), that includes a provision reauthorizing the National Flood Insurance Program before it expires in the middle of hurricane season — a victory for coastal lawmakers.

But with time running out before the program's July 31 expiration date, and the enactment of the farm bill not a sure bet by then, senators are already looking at other vehicles to attach a short-term extension.

[John Kennedy](#) (R-La.) said he's looking at an upcoming FAA bill. Kennedy and [Bill Cassidy](#) (R-La.) pushed for the six-month reauthorization in the farm bill this week, and they've also introduced the extension as stand-alone legislation.

"We're not going to let this program expire," Kennedy said. "If lightning strikes and we get

a [long-term] reform bill by the 31st, that would be great. But it's not likely to happen."

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**To:** Kunding, Kelly[kunding.kelly@epa.gov]  
**Cc:** Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** Chancellor, Erin  
**Sent:** Mon 6/25/2018 4:34:42 PM  
**Subject:** Re: John Meyer

If y'all need anything, holler!

Erin E. Chancellor

On Jun 25, 2018, at 12:25 PM, Kunding, Kelly <kunding.kelly@epa.gov> wrote:

He is getting into town early to run through the route. He said he can be there at 2:30, therefore, I assume he can come 30 minutes sooner if we ask.  
Please let me know if you'd like me to give him a call.

Sent from my iPhone

On Jun 25, 2018, at 11:24 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Do you know when he get's into town? He might need to come to the DEQ meeting to discuss tar creek at 2 PM...if he can make it. Thoughts?

Sent from my iPad



**To:** Shimmin, Kaitlyn[shimmin.kaitlyn@epa.gov]; Beach, Christopher[beach.christopher@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Konkus, John[konkus.john@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]; Hanson, Paige (Catherine)[hanson.catherine@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]; Wehrum, Bill[Wehrum.Bill@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Bodine, Susan[bodine.susan@epa.gov]; Ross, David P[ross.davidp@epa.gov]; Leopold, Matt[Leopold.Matt@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]  
**From:** Block, Molly  
**Sent:** Tue 4/17/2018 2:33:30 PM  
**Subject:** EPA News Highlights 4.17.18  
EPA News Highlights 4.17.18.docx

## **EPA News Highlights 4.17.18**

### **Cincinnati Enquirer: EPA Head Scott Pruitt in Cincinnati**

U.S. Environmental Protection Agency Administrator Scott Pruitt visited Cincinnati Monday. He spent part of his day Monday, according to a tweet, with Greater Cincinnati Water Works officials and workers regarding the replacement of lead pipes. He also visited the federal EPA's Cincinnati Office of Research and Development near the University of Cincinnati. "This is a model for cities across the country should look at in order to invest in the future of our children," Pruitt tweeted.

### **Bloomberg Environment: Pruitt Seeks Quicker Superfund Cleanups at Three Targeted Sites**

EPA Administrator Scott Pruitt put the spotlight on three more Superfund sites to accelerate cleanup efforts after the agency targeted those sites for a lack of progress. The Environmental Protection Agency named the sites in California, Delaware, and Minnesota April 16 after the agency's regional staff said they needed a push from the administrator, Albert "Kell" Kelly, Pruitt's senior adviser on Superfund issues, told Bloomberg Environment.

### **Tulsa World: EPA Finalizes Guidelines to Ebb Illinois River, Tenkiller Lake Pollution**

After decades of disagreement and litigation, it appears Arkansas and Oklahoma finally will be operating off the same page when it comes to Illinois River and Tenkiller Lake pollution sources. Longtime Illinois River advocates were glad to see the Environmental Protection Agency's announcement Monday of long-awaited pollution guidelines for the watershed. "I'm certainly glad to hear this," said Ed Brocksmith, a founder of the group Save The Illinois River, who said for a Tulsa World article just a few weeks ago that he feared years of cooperative efforts in the hands of the EPA had "fallen into a black hole." "It's definitely a step forward," he said Monday.

#### **Las Vegas Review Journal: Nevada's Anaconda Mine Removed from EPA Superfund List**

An agreement reached between Nevada and the Environmental Protection Agency has kept the Anaconda Copper Mine off a Superfund list, with cleanup now being directed by the state and funded by a private company, officials said Monday. Pruitt released a list of potential Superfund sites Monday that no longer includes the Nevada mine. The list also excludes the San Jacinto River Waste Pits in Texas. Three sites in California, Delaware and Minnesota were targeted by the EPA for immediate and intense cleanup efforts and put on a list for Superfund inclusion. "We are making tremendous progress expediting sites through the entire Superfund remediation process," Pruitt said in a statement. Pruitt said the updated list "reflects our commitment to addressing Superfund sites as quickly and safely as possible."

#### **Bloomberg Environment: Smaller Bites in EPA Air Chief's Second Pass at Permitting Updated**

William Wehrum has unfinished business with the EPA's air pollution permitting program for factories and power plants that want to expand or make major upgrades to their facilities. "This time around," Wehrum told Bloomberg Environment in an exclusive April 13 interview, "it's important to strike a better balance." Already, the EPA has issued two industry-coveted tweaks to the permitting program through guidance documents.

#### **National News Highlights 4.17.18**

#### **Reuters: Fox's Hannity Revealed as Mystery Client of Trump's Personal Lawyer**

U.S. President Donald Trump's personal lawyer was forced on Monday to reveal in a New York federal court that Fox News personality Sean Hannity, one of Trump's most ardent defenders, was also on his client list. Michael Cohen, Trump's fiercely loyal and pugnacious lawyer, disclosed Hannity's name through one of his own lawyers at the order of the judge. Stormy Daniels, an adult-film actress who says she had a sexual encounter with Trump, watched from

the public gallery.

### Washington Free Beacon: Ex-CIA Chief Says Obama Rejected Cyber Action Against Russia for Election Meddling

Despite an unprecedented Russian intelligence operation to influence the 2016 presidential election, former President Barack Obama rejected a plan to conduct retaliatory cyber action against Moscow during the campaign, according to former CIA Director John Brennan. Brennan disclosed Saturday that Obama opposed a plan to carry out "a cyber event" against the Russians because the former president feared the action would lead to more aggressive interference by Moscow.

### Politico: Comey on Trump Calling for Him to Be Jailed: 'This Is Not Ok'

Former FBI Director James Comey denounced Donald Trump's presidency as a threat to bedrock American values, warning that the president's calls for Comey to be jailed could erode the rule of law. The former FBI director, whom Trump fired last spring, has been a frequent target of Trump's criticism, especially in recent days amid the start of a publicity tour for Comey's book, which was released Tuesday. Comey has been deeply critical of the president, characterizing him as morally unfit to occupy his office, while Trump has labeled the former FBI director as a liar and leaker, suggesting he be sent to jail.

### TRUMP TWEETS

## Cincinnati Enquirer

<https://www.cincinnati.com/story/news/2018/04/16/epa-head-scott-pruitt-cincinnati/521380002/>

### **EPA Head Scott Pruitt in Cincinnati**

By Carrie Blackmore Smith, 4/16/18

U.S. Environmental Protection Agency Administrator Scott Pruitt visited Cincinnati Monday.

He spent part of his day Monday, according to a tweet, with Greater Cincinnati Water Works officials and workers regarding the replacement of lead pipes. He also visited the federal

EPA's Cincinnati Office of Research and Development near the University of Cincinnati.

"This is a model cities across the country should look at in order to invest in the future of our children," Pruitt tweeted.

Cincinnati, like many older cities, constructed its system with lead pipes at the start of the last century.

Water Works has made it a priority to replace all lead pipes with copper in order to reduce exposure to lead in drinking water. Lead can cause all sorts of health problems, including developmental delays, high blood pressure and heart disease.

"We appreciated the visit today from Administrator Pruitt. The visit gave us a chance to explain our enhanced lead program that includes education, outreach and removal of lead service lines," said water works Director Cathy Bailey. "Our program wasn't mandated by regulations, but implemented because it is the right thing to do for our community, and we believe it can serve as a model across the country."

New research found a correlation between lead and cardiovascular disease, too. It affects children at a higher rate than adults because their brains are still developing.

The response in Twitter was fierce, with some playing off his use of #gettheleadout.

## Bloomberg Environment

<https://news.bloombergenvironment.com/environment-and-energy/pruitt-seeks-quicker-superfund-cleanups-at-three-targeted-sites-1>

### **Pruitt Seeks Quicker Superfund Cleanups at Three Targeted Sites**

By Sylvia Carignan and Stephen Joyce, 4/16/18

EPA Administrator Scott Pruitt put the spotlight on three more Superfund sites to accelerate cleanup efforts after the agency targeted those sites for a lack of progress.

The Environmental Protection Agency named the sites in California, Delaware, and Minnesota April 16 after the agency's regional staff said they needed a push from the administrator, Albert "Kell" Kelly, Pruitt's senior adviser on Superfund issues, told Bloomberg Environment.

Kelly expects that push to come in the form of an expedited cleanup plan decision or quicker negotiations for each of the sites.

Pruitt also removed two sites from the list of those needing immediate action.

The sites EPA added to the list are Delaware Sand and Gravel Landfill in New Castle, Del., Casmalia Resources in Casmalia, Calif., and St. Regis Paper Co. in Cass Lake, Minn.

Kelly said hard and fast criteria aren't necessarily used when adding sites to the administrator's list.

"The criteria has some subjectivity to it, because it has to be sites [where] regions believe attention from the administrator will help them get to whatever milestone," Kelly said.

Cass Lake, Minn.

Pruitt aims to finalize a residential soil cleanup plan for the St. Regis Paper Co. site.

Remediating the Minnesota site "has been a very long and difficult process," Sara Peterson, a lawyer representing Cass Lake, Minn., the city where the property is located, told Bloomberg Environment.

The site contains soils and groundwater possibly contaminated by dioxins, pentachlorophenol, and polycyclic aromatic hydrocarbons, according to an EPA fact sheet on the site.

From the 1950s to the 1980s, Champion Paper Co.—a predecessor company to the site's current owner, Memphis, Tenn.-based International Paper Co.—manufactured treated wood for railroad ties and telephone poles.

Thomas Ryan, a spokesperson for International Paper, told Bloomberg Environment the company is working with the EPA and other parties at the Superfund site.

The city is anxious for the site's environmental cleanup to be completed, Peterson said.

"They need the jobs that would come with the redevelopment of this site, and they've got some potential opportunities out there. But having a Superfund site there at this point makes it awfully hard to market the site," she said.

A March 2016 EPA-proposed plan recommended removing contaminated soil from affected residential areas and replacing it with clean soil, managing removed soil on site, disposing of a small amount of heavily contaminated soil at an off-site facility, and monitoring soil stored on site.

Casmalia, Calif.

The Casmalia Resources site in California was a commercial hazardous waste treatment, storage, and disposal facility spanning more than 250 acres.

The EPA finalized a \$590,722 settlement in November with 57 of the companies that contributed

waste to the landfill. Those companies include Nestle, Leidos Inc., Hubbell Inc., and Hearst Corp.

None of those companies responded to Bloomberg Environment's emails or calls about the site's addition to Pruitt's list.

In addition, companies and government agencies involved with the Delaware site did not respond to Bloomberg Environment's requests for comment.

### Setting Deadlines

The EPA also provided updates April 16 about each of the other sites on Pruitt's "immediate, intense action" list.

At the Mohawk Tannery site in Nashua, N.H., the agency wants to propose a cleanup plan this summer. The EPA is negotiating an agreement with a prospective purchaser who would redevelop the site.

For two New Jersey sites, American Cyanamid Inc. in Bound Brook and Berry's Creek in Wood Ridge borough, the agency wants to propose cleanup plans by the end of this spring.

The agency also wants to propose a cleanup plan for the Superfund site in East Chicago, Ind. this summer. The EPA is working on cleaning up lead-contaminated soil at parts of the site.

### Delisted Sites

Pruitt already has made major cleanup decisions at the two sites removed from the list, the Anaconda Copper Mine in Yerington, Nev., and San Jacinto River Waste Pits outside Houston.

The EPA agreed in February to allow Nevada to oversee the cleanup of the Anaconda site, owned by Atlantic Richfield Co., after the state sought to assume control and work with private parties for a quicker resolution.

The former mine site had been under consideration to be added to the EPA National Priorities List so it could qualify for long-term cleanup and federal funding. The state last year asked the agency to defer the mine listing except for areas on tribal lands.

The San Jacinto River Waste Pits site contains paper mill waste material, including highly toxic dioxins, generated in the bleaching of wood pulp to make paper, the EPA said.

Pruitt announced a \$115 million plan in October for the pits that entails excavating more than 212,000 cubic yards of contaminated waste.

Superfund sites are the most contaminated in the country, and include the Gowanus Canal in New York, Portland Harbor in Oregon, and Tar Creek in Oklahoma. Properties with EPA's Superfund designation are eligible to receive federal funds for cleanup, though the agency aims

to compel companies responsible for the sites to pay the cleanup bills.

# Tulsa World

[http://www.tulsaworld.com/homepagelatest/epa-finalizes-guidelines-to-ebb-illinois-river-tenkiller-lake-pollution/article\\_f2de85c0-46c8-5dec-99c4-3a84fc710fad.html](http://www.tulsaworld.com/homepagelatest/epa-finalizes-guidelines-to-ebb-illinois-river-tenkiller-lake-pollution/article_f2de85c0-46c8-5dec-99c4-3a84fc710fad.html)

## **EPA Finalizes Guidelines to Ebb Illinois River, Tenkiller Lake Pollution**

By Kelly Bostian, 4/16/18

Long-awaited rules mean Arkansas and Oklahoma agencies will operate off same page

After decades of disagreement and litigation, it appears Arkansas and Oklahoma finally will be operating off the same page when it comes to Illinois River and Tenkiller Lake pollution sources.

Longtime Illinois River advocates were glad to see the Environmental Protection Agency's announcement Monday of long-awaited pollution guidelines for the watershed.

"I'm certainly glad to hear this," said Ed Brocksmith, a founder of the group Save The Illinois River, who said for a [Tulsa World article](#) just a few weeks ago that he feared years of cooperative efforts in the hands of the EPA had "fallen into a black hole."

"It's definitely a step forward," he said Monday.

Phosphorous and nitrates from wastewater plants, poultry producers, industry and other sources caused algae to grow in the river and changed the habitat. The pollutants can cause algal blooms that lead to low dissolved oxygen and fish die-offs in the lake. Increased erosion and sedimentation in the river and lake also are issues.

What the EPA approved are working models for the river and the lake that address the long-debated water quality factors, most notably "total maximum daily load" for phosphorus and nitrates. In coming weeks and months, Oklahoma and Arkansas agencies and stakeholders will review the models and discuss implementation and enforcement of those rules.

The Oklahoma Water Resources Board planned to discuss the guidelines in its meeting in Oklahoma City Tuesday morning. Oklahoma Secretary of Energy and Environment Michael Teague met with his cabinet and other state agency leaders Monday.

"What we have now is a template that is concise and clear and user-friendly," said Ed Fite, vice president of water quality for Grand River Dam Authority. "The homework assignment now is for the two states to put together a framework of how it all comes together."

Teague said his office, Arkansas state leaders, agency leaders of both states and Cherokee tribal leaders have worked with the EPA throughout the process.

“The models (for the river and Tenkiller Lake) say, ‘here is the tool we’re all going to use,’ ” Teague said. “Now we can look at it and say, ‘now if we put this regulation change in place here, then what does that impact throughout the system?’ It gives everyone a common platform.”

EPA Regional Administrator Anne Edsal urged that continued cooperation.

“Over the years, we have made great progress by working with states, tribes and local agencies in improving conditions throughout the watershed and we look forward to continuing this effort,” she said.

After years of disagreement between the states, a Statement of Joint Principles and Action was signed in 2003 in an effort to avoid litigation and further scientific understanding of the situation at hand.

The agreement fell short in the eyes of Oklahomans, who filed suit against poultry producers in a lawsuit that concluded in 2008 but has yet to see a ruling from the presiding judge.

Cooperative efforts increased after the lawsuit and in 2013 the states extended the agreement, enlisted the help of Baylor University as a neutral third party to complete water quality studies, and in 2016 the reports and suggested models were given to the EPA for finalization.

“Now the states and other entities can begin finding agreement on how to achieve Oklahoma Scenic River water quality standards,” said Denise Deason-Toyne, president of non-profit Save the Illinois River group. “We are anxious to see the modeling for phosphorous, the primary nutrient that is over fertilizing our scenic rivers and Tenkiller Lake. Sedimentation is also a big problem, which must be addressed.”

The Oklahoma-Arkansas Scenic Rivers Joint Phosphorus Study, part of the cooperative effort started in 2003, found that a 0.037 ppm total maximum daily load was appropriate for the river with the help of Baylor University researchers. The guideline is one that Arkansas interests initially thought to be arbitrary and too restrictive.

Teague said his understanding is the new models follow that 0.037 recommendation but he said the states will have to make it official.

Fite said that from his discussions with Arkansas leaders and stakeholders, the guidelines will be welcomed.

“People have been just waiting for the ambiguity to be firmed up and have a number so they can actually plan, design and fund and implement (their plans),” he said.

Teague said collaboration between states, agencies and stakeholders has been a superior process



to legal wrangling of the past.

“Collaboration is how you get everything done,” he said. “It’s how we addressed earthquakes, it’s this same type of thing, and now we have Arkansas and Oklahoma and EPA Region 6 and the Cherokee Nation all working together and improving this watershed.”

## Las Vegas Review Journal

<https://www.reviewjournal.com/news/politics-and-government/nevada/nevadas-anaconda-mine-removed-from-epa-superfund-list/>

### Nevada’s Anaconda Mine Removed From EPA Superfund List

By Gary martin, 4/16/18

An agreement reached between Nevada and the Environmental Protection Agency has kept the Anaconda Copper Mine off a Superfund list, with cleanup now being directed by the state and funded by a private company, officials said Monday.

Nevada Gov. Brian Sandoval and EPA Administrator Scott Pruitt signed a National Priorities List Deferral Agreement on Feb. 5 that puts the state in control of expedited cleanup and preparation for reuse of the property.

“Since Governor Sandoval took office and before, the state has worked to develop a long-term plan to clean up the site with a secure source of funding,” said Mary-Sarah Kinner, the governor’s spokeswoman.

Pruitt released a list of potential Superfund sites Monday that no longer includes the Nevada mine.

The list also excludes the San Jacinto River Waste Pits in Texas. Three sites in California, Delaware and Minnesota were targeted by the EPA for immediate and intense cleanup efforts and put on a list for Superfund inclusion.

“We are making tremendous progress expediting sites through the entire Superfund remediation process,” Pruitt said in a statement.

Pruitt said the updated list “reflects our commitment to addressing Superfund sites as quickly and safely as possible.”

The EPA administrator visited the Nevada and Texas sites as part of his effort to make timely decisions for cleanup of the sites and ensure protection of health and the environment for the

surrounding communities.

During the Obama administration, the EPA proposed adding the Anaconda Copper Mine, which opened in 1918, to the Superfund National Priorities List to make it eligible for federal remedial funds.

Last year Atlantic Richfield Co. approached Nevada and proposed to fund implementation of a sitewide remedy for the mine. The company bought the mine in 1978.

Sandoval asked EPA in July to defer placing the copper mine on the Superfund list. Sandoval, the Nevada Division of Environmental Protection, Native American tribes and other stakeholders worked with the EPA to keep the site off the national priorities list.

Pruitt granted the request after the EPA determined cleanup efforts meet federal requirements.

In February, Sandoval called the signing of the agreement with the EPA a “landmark day.” He said the state and Atlantic Richfield would work in partnership on the remaining cleanup, which is expected to take another decade.

The Trump administration has proposed cutting spending at the EPA, and funds for the Superfund program.

With cleanup under administration by the state, and Atlantic Richfield pledging to fund the process, state officials see the decision on a deferred listing as a move to secure funding for cleanup of leaching fields at the old mine where chemicals were used to strip copper from rock.

As a result of this public-private partnership, there was no need for the EPA administrator’s office to continue tracking the mine site, Kinner said. The site will remain proposed for the national priority list until cleanup is completed under Nevada Division of Environmental Protection oversight.

Cleanup actions under the Superfund program have historically been slow, expensive and process-laden, according to the state agency.

The mine is located in Lyon County near the town of Yerington.

## **Bloomberg Environment**

<https://news.bloombergenvironment.com/environment-and-energy/smaller-bites-in-epa-air-chiefs-second-pass-at-permitting-update>

### **Smaller Bites in EPA Air Chiefs Second Pass at Permitting Update**

By Jennifer Lu, 4/16/18

William Wehrum has unfinished business with the EPA's air pollution permitting program for factories and power plants that want to expand or make major upgrades to their facilities.

In his first stint at the Environmental Protection Agency in an acting capacity, Wehrum tried to address industry criticism over the permitting program, known as new source review, with sweeping rulemaking bundles.

His efforts were either dropped after the George W. Bush administration withdrew his nomination to head the Office of Air and Radiation in 2007, blocked by the courts, or undone by the incoming Obama administration.

"This time around," Wehrum told Bloomberg Environment in an exclusive April 13 interview, "it's important to strike a better balance."

Already, the EPA has issued two industry-coveted tweaks to the permitting program through guidance documents.

The new source review program requires factories and power plants to install costly new air pollution controls when they expand or make modifications that increase their emissions.

Industries have long complained that securing compliance with the permitting program is tedious, time consuming, and confusing. Updating how the EPA administers the program through guidance documents is one way to quickly address those concerns.

"There are a lot of current issues within [new source review] that we can provide clear guidance through guidance," Wehrum said. "Our strategy is to tell people sooner rather than later how we think the program should be implemented."

Did You Get the Memo?

The focus on bite-sized updates to EPA programs comes after Wehrum watched a series of ambitious regulations he helped craft—from toxic air pollution rules from the power industry to attempts to set up an emissions trading program for power plants—get overturned by judges during his last go-round at the agency between 2005-2007.

Back then, Wehrum didn't have the option to quickly update policy through guidance. Only since a 2014 U.S. Supreme Court decision in Perez v. Mortgage Bankers Association have federal agencies like the EPA been allowed to issue guidance such as policy memos without having to go through a lengthy public comment process.

"We have an interest in trying to do some things quickly, and especially in case-specific circumstances where clarity is lacking," Wehrum said.

However, policy made through guidance memos can be just as easily undone by a new administration, John Walke of the Natural Resources Defense Council, who previously served in the EPA General Counsel's Office, told Bloomberg Environment.

Environmental groups like Walke's and some states have already sued the EPA over one of its guidance documents, which eased toxic pollution emissions standards for industry.

"Industry relies upon Bill Wehrum's guidance at its peril," Walke said.

### Everything Old is New Source Review Again

But updating the permitting program has long been an industry priority. It was repeatedly spotlighted by businesses when the EPA put out a call for regulations that should be revised or eliminated.

After past regulatory efforts to make it industry-friendly fizzled, the fastest way to address business concerns is through guidance, Richard Alonso, environmental attorney at Sidley Austin LLP's Washington, D.C., office, told Bloomberg Environment.

Already, the EPA has issued two memos on two new source review changes. A December memo told agency staff not to "second-guess" how facilities calculate emissions changes.

That was followed by a March memo on project emissions accounting, also known as project netting, which tells facilities how to calculate whether emissions from their proposed new construction projects would increase pollution. Under the new guidance, facilities can include emissions decreases from their projects to the overall calculations to avoid triggering new source review.

The memo drew inspiration from a 2006 rule changing three aspects of emissions counting under new source review, which lost traction after Wehrum left the agency.

"Finalizing this [2006] rulemaking would help to remove a substantial burden to energy and manufacturing projects," Louis Renjel, vice president of federal government affairs and strategic policy at Duke Energy, wrote in response to an EPA call for suggestions on reducing regulatory burdens.

The American Chemistry Council also asked the EPA to revisit the reforms proposed during the Bush-era EPA, whether through guidance, regulation, or legislation.

The EPA this summer aims to address project aggregation, another piece of new source review reform from Wehrum's 2006 rulemaking bundle.

It would define how emissions from separate modifications that take place around the same time should be counted, according to a presentation Anna Marie Wood, director of the EPA's Air Quality Policy Division, gave at a state air regulators conference April 5.

## More Guidance Coming

Three more guidance memos are slated to be issued this spring, according to Wood's presentation.

One would redefine what counts as "ambient air," or the air the general public breathes. This definition is important to new source review because facilities must show that their post-construction emissions won't worsen air quality according to the national standards, Lynn Hutchinson, the EPA new source review project lead in 2002, told Bloomberg Environment.

Another guidance document in the works would change the pollutant modeling used to decide whether emissions would damage air quality. The White House completed its review of the memo April 12.

A third spring guidance document would allow the EPA to revive an attempt to expand the kinds of routine maintenance and repairs excluded from new source review. That 2003 rule was vacated by the U.S. Court of Appeals for the District of Columbia Circuit in New York v. EPA in 2006, which said industries could not write off physical changes that cost below a certain amount as routine maintenance.

"You already have a court on record saying those particular reforms are not allowed, so those might be a heavier lift without notice and comment rulemaking," Alonso said.

When asked how he will ensure that his current batch of reforms stick beyond the current administration, Wehrum said, "a piece of it is making change that will last, but the bigger piece of it, for me, again, is just from a public policy standpoint."

"If people can't look at our rules and know what they need to do to comply, then we've got a problem," he said.

## Reuters

<https://www.reuters.com/article/us-usa-trump-russia-cohen/foxs-hannity-revealed-as-mystery-client-of-trumps-personal-lawyer-idUSKBN1HN12G>

### **Fox's Hannity Revealed as Mystery Client of Trump's Personal Lawyer**

By Brendan Pierson, Karen Freifeld, Jonathan Stempel, 4/16/18

U.S. President Donald Trump's personal lawyer was forced on Monday to reveal in a New York federal court that Fox News personality Sean Hannity, one of Trump's most ardent defenders, was also on his client list.

Michael Cohen, Trump's fiercely loyal and pugnacious lawyer, disclosed Hannity's name through one of his own lawyers at the order of the judge. Stormy Daniels, an adult-film actress who says she had a sexual encounter with Trump, watched from the public gallery.

Daniels, in a separate civil case, is fighting a 2016 non-disclosure agreement arranged by Cohen in which she got \$130,000 to stop her from discussing her claim she had sex with Trump a decade earlier, something Trump has denied.

Hannity, 56, said on Monday that he had never paid for Cohen's services or been represented by him, but had sought confidential legal advice from him. The conservative host often uses his weeknight broadcast on Fox News to defend the president against what he sees as biased attacks by the media. Sometimes Trump praises Hannity in return.

Cohen was in court to ask the judge to limit the ability of federal prosecutors to review documents seized from his offices and home last week as part of a criminal investigation, which stems in part from a probe into possible collusion between Trump's presidential campaign and Russia. ([Full Story](#))

The Russia investigation has frustrated the White House as it has spread to enfold some of Trump's closest confidantes.

Judge Kimba Wood spent more than 2-1/2 hours listening to arguments by Cohen's lawyers, prosecutors from the U.S. attorney's office in Manhattan and a lawyer representing Trump in the hearing. She is expected to rule later.

She ordered prosecutors to give Cohen's lawyers a copy of the seized materials before the next hearing.

The unexpected naming of Hannity made him the latest prominent media personality to be drawn into the investigation's cast of unlikely supporting characters.

Daniels, whose real name is Stephanie Clifford, was another. As she arrived at the courthouse dressed in a lavender suit, photographers knocked over barricades as they scrambled to get pictures.

Daniels sat with her lawyer, Michael Avenatti, who told reporters they were there to help ensure protection for the integrity of the seized documents, some of which they believe pertain to the Daniels agreement.

Cohen, dressed in a dark suit, at times looked tense, folding and clasping his hands in front of him.

## GASPS AND LAUGHTER

Cohen has argued that some of the documents and data seized from him under a warrant are

protected by attorney-client privilege or otherwise unconnected to the investigation. But Judge Wood said she would still need the names of those other clients, and rejected his efforts to mask the identity of Hannity, a client Cohen had said wanted to avoid publicity.

“I understand if he doesn’t want his name out there, but that’s not enough under the law,” Wood said, before ordering the name disclosed.

Stephen Ryan, a lawyer for Cohen, drew gasps and laughter from the public gallery when he named Hannity as the client.

After his identity was revealed, Hannity said on his syndicated radio show, and again later on his Fox News program, that he had “occasional, brief discussions” with Cohen in which he sought out Cohen’s “input and perspective.”

Hannity said he assumed those discussions were covered by attorney-client privilege, and insisted that none involved any matter between himself and a third party. He also said his talks with Cohen “almost exclusively focused on real estate.”

Legal advice can be considered privileged even if given by a lawyer for free.

Hannity, the top-rated personality on the most watched U.S. cable news network, told his viewers on April 9 that the raid on Cohen was part an effort by federal investigators to wrongly impeach the president. He never mentioned his association with Cohen during that broadcast.

On Monday’s show, Hannity expressed amusement at the firestorm of media coverage unleashed by the disclosure that he and Trump shared a legal adviser in Cohen, playing a 45-second, rapid-fire montage of various TV commentators and anchors uttering his name on the air throughout the day.

Cohen has asked the court to give his own lawyers the first look at the seized materials so they can identify documents that are protected by attorney-client privilege. ([Full Story](#))

Failing that, they want the court to appoint an independent official known as a special master, a role typically filled by a lawyer, to go through the records and decide what prosecutors can see.

But prosecutors want the documents to be reviewed for attorney-client privilege by a “taint team” of lawyers within their own office, who would be walled off from the main prosecution team.

“I have faith in the Southern District U.S. Attorney’s Office that their integrity is unimpeachable,” making a taint team “a viable option,” Judge Wood said.

But she also said that to help ensure fairness and the perception of fairness, “a special master might have some role here.”

After the hearing, Cohen left without comment.

Daniels, in contrast, stepped up to the bank of microphones set up on the sidewalk, telling reporters that Cohen had thought he was above the law.

“My attorney and I are committed that everyone finds out the truth and the facts of what happened, and I will not rest until that happens,” she said.

## Washington Free Beacon

<http://freebeacon.com/national-security/ex-cia-chief-says-obama-rejected-cyber-action-russia-election-meddling/>

### **Ex-CIA Chief Says Obama Rejected Cyber Action Against Russia for Election Meddling**

By Bill Gertz, 4/17/18

Despite an unprecedented Russian intelligence operation to influence the 2016 presidential election, former President Barack Obama rejected a plan to conduct retaliatory cyber action against Moscow during the campaign, according to former CIA Director John Brennan.

Brennan disclosed Saturday that Obama opposed a plan to carry out "a cyber event" against the Russians because the former president feared the action would lead to more aggressive interference by Moscow.

"There was consideration about rattling their cages with some type of cyber event," Brennan said during remarks to a journalism conference at the University of California Berkeley.

But based on Obama's fears, the planned cyber action was shelved in favor issuing vague warnings to Russian officials. Brennan did not elaborate on the cyber retaliation plan.

"President Obama was the ultimate decision-maker on that," Brennan said of the lack of response.

The former CIA director defended the Obama administration's handling of what is widely viewed as a significant counterintelligence failure during the presidential election.

After the election, Obama ordered the expulsion of 35 Russian intelligence officers.

Both the FBI and CIA are charged with the conducting counterintelligence—detecting and thwarting hostile intelligence operations. Both agencies failed to halt the Russians in 2016 either in the United States or abroad.



U.S. officials have said the targeting of U.S. and foreign elections by Russia is continuing.

President Trump in February criticized his predecessor in a Tweet for failing to act. "Why didn't Obama do something about the meddling? Why aren't Dem crimes under investigation? Ask Jeff Sessions!" he tweeted.

The disclosure that Obama scrapped a cyber plan to retaliate against Moscow for election interference comes as a former senior counterintelligence official, Michelle Van Cleave, revealed in congressional testimony last week that the Obama administration weakened American counterintelligence programs by downgrading a top counterspy office.

Brennan said he had "great confidence" the Russian influence operation was authorized and directed by Russian President Vladimir Putin, a former KGB intelligence officer. The Russian intelligence services also "know what the mission is, know what their capabilities are, and will apply them to issues that are of interest to Russian national security," he said.

Brennan called the meddling "unprecedented in terms of its scope and intensity, and made full use of the digital domain."

The first indications of Russian interference were spotted in late 2015 and early 2016 and the operation was mentioned in press reports in the spring of 2016. By the summer of 2016 the operations were confirmed, he said.

Obama also made clear to the CIA that he did not want the agency doing anything "in reality or in perception" that would have advanced the Russian disinformation and propaganda campaign, Brennan said.

"We were really trying to strike the right balance between doing everything we could to prevent and thwart as well as to uncover and understand what the Russians were doing without doing anything that would almost advance their interests in trying to disrupt our election," he said.

Obama also was afraid any U.S. action against the Russians might be perceived as an outgoing Democratic president working to influence the election outcome.

"So if we did more things and stood at the hilltops and cried out, 'the Russians, the Russians are trying to help Trump get elected,' and if President Obama who is the titular head of the Democratic Party were to do that, I think that there would have been a lot of people would believe, I think with some justification, that the President of the United States was trying to influence the outcome of a presidential election," Brennan said.

Brennan also said the Obama administration opposed aggressive action because of the president's belief that any effort to punish the Russian might produce stepped up activities.

Russian hackers had been detected navigating inside state election voter registration roll computers and other election-related networks.

"They had things that they could have done that they didn't do," Brennan said of the Russians.

Intelligence agencies concluded in a report issued in early 2017 that Russian civilian and military intelligence agencies conducted an aggressive operation to sow social discord during the 2016 election by opposing Hillary Clinton while seeking to boost Donald Trump's campaign.

The Russian operation included the use of advertising on social media platforms like Facebook, and cyber attacks involving the cyber theft of emails and postings online using covert internet personas.

In February, 13 Russians were indicted by Special Counsel Robert Mueller for running a St. Petersburg, Russia-based internet troll farm that carried out influence operations during the elections.

So far, no action has been taken against the Russian hackers engaged in email thefts.

Kenneth deGraffenreid, former deputy national counterintelligence executive, said Obama's inaction was a major counterintelligence failure.

"If Brennan's claims are true, the Obama administration's inaction in the face of this Russian cyber aggression represents a serious counterintelligence failure that has had terrible consequences," deGraffenreid said.

"Good counterintelligence requires an active element beyond collecting and analyzing the secret information that has been uncovered—namely countering this serious foreign intelligence threat in an effective way. The U.S. has the sophisticated tools to do this."

"There simply is no excuse for not doing so," he added. "Our national security depends on American leaders taking the action required."

Despite signs the operation had been underway since 2015, Brennan said he was the first U.S. official to protest the matter during an Aug. 4, 2016, telephone to Alexander Bortnikov, head of Russia's FSB security service.

"I told him rather directly that if the Russians were to go down this road, they would pay a significant price," Brennan said. "I told him that all Americans would be outraged by a Russian effort to try and interfere in our election."

A month later at the G-20 summit in China, Obama confronted Putin about the election interference, according to Brennan.

Weeks later, Director of National Intelligence James Clapper and Homeland Security Secretary Jeh Johnson issued an official statement accusing the Russian government of interfering with the election campaign.

Brennan said he believes the softline Obama policy dissuaded Moscow from intensifying the

campaign and that he had no regrets.

Additionally, the former CIA chief said he has spoken to Obama who he asserted is "very comfortable with what we did and didn't do."

"I would argue that I think by pushing them back a bit and confronting them with it, both privately as well as publicly, I think we did dissuade them from even going further," he said.

Brennan also said the CIA was told by Obama not to take any action on the Russian intelligence operation over concerns any action would appear the administration was trying to support the Democratic candidate, Hillary Clinton.

Since leaving office, Brennan has been a Trump critic, taking to Twitter to call the president a "charlatan," "demagogue," and "snake oil salesman."

Brennan said that criticism has cost him financially as "a number of opportunities were rescinded."

Russian cyber intelligence operations are sophisticated and difficult to track, he said.

"And so I fully anticipate that the Russians and others are going to take advantages that are there," Brennan said. "They are going to try to hide their footprints better. They're going to try to prevent the U.S. from understanding what may be happening there. But let's not make a mistake, that environment is ripe for mal actors and they are going to continue to cause us problems."

On the controversial dossier produced by former British intelligence officer Christopher Steele, Brennan said the dossier may have been part of a Russian cover operation.

"Well certainly it could be," he said. "I don't know the provenance of the information. As I said I've seen the dossier. It is done by a former accomplished member of the British intelligence service, MI-6. It is sourced to unnamed sources and subsources that alleged these types of activities. So I don't know whether the information in it—some, all or none—is valid or not."

Brennan said he does not believe Steele was manipulated by the Russians for intelligence purposes.

"I do not believe he is acting on behalf of them," he said. "Might he have been unwittingly used? Maybe. So I don't know."

The Steele dossier was funded by the Democratic National Committee and the Clinton campaign through the research group Fusion GPS.

The Washington Free Beacon hired Fusion GPS to conduct research on Republican candidates but had no role in the dossier.

On his political views, Brennan said he is not a member of any political party and described

himself as "an avowed nonpartisan."

In 2016, Brennan disclosed that in 1976 he voted for the Moscow-backed Communist Party USA candidate for president, Gus Hall, during the height of the Cold War.

## Politico

<https://www.politico.com/story/2018/04/17/james-comey-trump-jailing-527942>

### **Comey on Trump Calling for Him to Be Jailed: 'This Is Not OK'**

By Louis Nelson, 4/17/18

Former FBI Director James Comey denounced Donald Trump's presidency as a threat to bedrock American values, warning that the president's calls for Comey to be jailed could erode the rule of law.

The former FBI director, whom Trump fired last spring, has been a frequent target of Trump's criticism, especially in recent days amid the start of a publicity tour for Comey's book, which was released Tuesday. Comey has been deeply critical of the president, characterizing him as morally unfit to occupy his office, while Trump has labeled the former FBI director as a liar and leaker, suggesting he be sent to jail.

"President Trump, I don't follow him on Twitter but I get to see his tweets tweeted, I don't know how many, but some tweets this past couple of days that I should be in jail. The president of the United States just said that a private citizen should be jailed. And I think the reaction of most of us was, 'meh, that's another one of those things.' This is not normal. This is not OK," Comey told NPR in an interview broadcast Tuesday morning. "The reason I'm talking in terms of morality is, those are the things that matter most to this country. And there's a great danger we'll be numbed into forgetting that, and then only a fool would be consoled by some policy victory."

While Comey's criticism of the president, both in interviews and in his book, has been withering, so too has the White House's response. Trump administration officials have painted Comey as a disgruntled ex-employee looking to settle scores and an admitted leaker whose Congressional testimony had to be corrected almost immediately. Trump's press secretary Sarah Huckabee Sanders said last week that "one of the president's greatest achievements will go down as firing director James Comey" and Trump himself wrote on Twitter over the weekend that Comey "will go down as the WORST FBI Director in history, by far!"

"This is not some tin pot dictatorship where the leader of the country gets to say 'the people I don't like go to jail.' Our Lady Justice wears a blindfold. And the reason all those statues all over the country have a blindfold is, that's the way it has to be," Comey told NPR. "Lady Justice can't

be peeking under the blindfold to see if Donald Trump wants her to convict so-and-so and not convict so-and-so. If we lose that, we've lost the rule of law, and so there's great danger in the president of the United States saying 'you should be in jail.'"

Asked about the potential that he might one day run for office, Comey was emphatic that he had no such plans. Instead, he said he plans to teach at the university level and give speeches on ethics and leadership.

"Never. I will never run for office. Not even a close call," he said. "I'm going to teach about leadership and ethics, and so I'm going to be a professor, which is exciting, and speak about leadership... I'm going to use my book in the class and I'm going to buy it for the students, because I'm not going to be one of those professors."

## TRUMP TWEETS



**Donald J. Trump** @realDonaldTrump · 5m

So many people are seeing the benefits of the Tax Cut Bill. Everyone is talking, really nice to see!

1.1K 968 4.3K



**Donald J. Trump** @realDonaldTrump · 5m

Looks like Jerry Brown and California are not looking for safety and security along their very porous Border. He cannot come to terms for the National Guard to patrol and protect the Border. The high crime rate will only get higher. Much wanted Wall in San Diego already started!

597 1.0K 3.8K



**Donald J. Trump** @realDonaldTrump · 5m

I am in Florida and looking forward to my meeting with Prime Minister Abe of Japan. Working on Trade and Military Security.

498 959 3.8K



**Donald J. Trump** @realDonaldTrump · 5m

Employment is up, Taxes are DOWN. Enjoy!

625 1.2K 4.6K



## **EPA News Highlights 4.17.18**

### **Cincinnati Enquirer: EPA Head Scott Pruitt in Cincinnati**

U.S. Environmental Protection Agency Administrator Scott Pruitt visited Cincinnati Monday. He spent part of his day Monday, according to a tweet, with Greater Cincinnati Water Works officials and workers regarding the replacement of lead pipes. He also visited the federal EPA's Cincinnati Office of Research and Development near the University of Cincinnati. "This is a model for cities across the country should look at in order to invest in the future of our children," Pruitt tweeted.

### **Bloomberg Environment: Pruitt Seeks Quicker Superfund Cleanups at Three Targeted Sites**

EPA Administrator Scott Pruitt put the spotlight on three more Superfund sites to accelerate cleanup efforts after the agency targeted those sites for a lack of progress. The Environmental Protection Agency named the sites in California, Delaware, and Minnesota April 16 after the agency's regional staff said they needed a push from the administrator, Albert "Kell" Kelly, Pruitt's senior adviser on Superfund issues, told Bloomberg Environment.

### **Tulsa World: EPA Finalizes Guidelines to Ebb Illinois River, Tenkiller Lake Pollution**

After decades of disagreement and litigation, it appears Arkansas and Oklahoma finally will be operating off the same page when it comes to Illinois River and Tenkiller Lake pollution sources. Longtime Illinois River advocates were glad to see the Environmental Protection Agency's announcement Monday of long-awaited pollution guidelines for the watershed. "I'm certainly glad to hear this," said Ed Brocksmith, a founder of the group Save The Illinois River, who said for a Tulsa World article just a few weeks ago that he feared years of cooperative efforts in the hands of the EPA had "fallen into a black hole." "It's definitely a step forward," he said Monday.

### **Las Vegas Review Journal: Nevada's Anaconda Mine Removed from EPA Superfund List**

An agreement reached between Nevada and the Environmental Protection Agency has kept the Anaconda Copper Mine off a Superfund list, with cleanup now being directed by the state and funded by a private company, officials said Monday. Pruitt released a list of potential Superfund sites Monday that no longer includes the Nevada mine. The list also excludes the San Jacinto River Waste Pits in Texas. Three sites in California, Delaware and Minnesota were targeted by the EPA for immediate and intense cleanup efforts and put on a list for Superfund inclusion. "We are making tremendous progress expediting sites through the entire Superfund remediation process," Pruitt said in a statement. Pruitt said the updated list "reflects our commitment to addressing Superfund sites as quickly and safely as possible."

### **Bloomberg Environment: Smaller Bites in EPA Air Chief's Second Pass at Permitting Updated**

William Wehrum has unfinished business with the EPA's air pollution permitting program for factories and power plants that want to expand or make major upgrades to their facilities. "This time around," Wehrum told Bloomberg Environment in an exclusive April 13 interview, "it's important to strike a better balance." Already, the EPA has issued two industry-coveted tweaks to the permitting program through guidance documents.

## **National News Highlights 4.17.18**

### **Reuters: Fox's Hannity Revealed as Mystery Client of Trump's Personal Lawyer**

U.S. President Donald Trump's personal lawyer was forced on Monday to reveal in a New York federal court that Fox News personality Sean Hannity, one of Trump's most ardent defenders, was also on his client list. Michael Cohen, Trump's fiercely loyal and pugnacious lawyer, disclosed Hannity's name through one of his own lawyers at the order of the judge. Stormy Daniels, an adult-film actress who says she had a sexual encounter with Trump, watched from the public gallery.

### **Washington Free Beacon: Ex-CIA Chief Says Obama Rejected Cyber Action Against Russia for Election Meddling**

Despite an unprecedented Russian intelligence operation to influence the 2016 presidential election, former President Barack Obama rejected a plan to conduct retaliatory cyber action against Moscow during the campaign, according to former CIA Director John Brennan. Brennan disclosed Saturday that Obama opposed a plan to carry out "a cyber event"

against the Russians because the former president feared the action would lead to more aggressive interference by Moscow.

#### Politico: Comey on Trump Calling for Him to Be Jailed: 'This Is Not Ok'

Former FBI Director James Comey denounced Donald Trump's presidency as a threat to bedrock American values, warning that the president's calls for Comey to be jailed could erode the rule of law. The former FBI director, whom Trump fired last spring, has been a frequent target of Trump's criticism, especially in recent days amid the start of a publicity tour for Comey's book, which was released Tuesday. Comey has been deeply critical of the president, characterizing him as morally unfit to occupy his office, while Trump has labeled the former FBI director as a liar and leaker, suggesting he be sent to jail.

#### TRUMP TWEETS

### Cincinnati Enquirer

<https://www.cincinnati.com/story/news/2018/04/16/epa-head-scott-pruitt-cincinnati/521380002/>

#### **EPA Head Scott Pruitt in Cincinnati**

By Carrie Blackmore Smith, 4/16/18

U.S. Environmental Protection Agency Administrator Scott Pruitt visited Cincinnati Monday.

He spent part of his day Monday, according to a tweet, with Greater Cincinnati Water Works officials and workers regarding the replacement of lead pipes. He also visited the federal EPA's Cincinnati Office of Research and Development near the University of Cincinnati.

"This is a model cities across the country should look at in order to invest in the future of our children," Pruitt tweeted.

Cincinnati, like many older cities, constructed its system with lead pipes at the start of the last century.

Water Works has made it a priority to replace all lead pipes with copper in order to reduce exposure to lead in drinking water. Lead can cause all sorts of health problems, including developmental delays, high blood pressure and heart disease.

"We appreciated the visit today from Administrator Pruitt. The visit gave us a chance to explain our enhanced lead program that includes education, outreach and removal of lead service lines," said water works Director Cathy Bailey. "Our program wasn't mandated by regulations, but implemented because it is the right thing to do for our community, and we believe it can serve as a model across the country."

New research found a correlation between lead and cardiovascular disease, too. It affects children at a higher rate than adults because their brains are still developing.

The response in Twitter was fierce, with some playing off his use of #gettheleadout.

### Bloomberg Environment

<https://news.bloombergenvironment.com/environment-and-energy/pruitt-seeks-quicker-superfund-cleanups-at-three-targeted-sites-1>

#### **Pruitt Seeks Quicker Superfund Cleanups at Three Targeted Sites**

By Sylvia Carignan and Stephen Joyce, 4/16/18

EPA Administrator Scott Pruitt put the spotlight on three more Superfund sites to accelerate cleanup efforts after the agency targeted those sites for a lack of progress.



The Environmental Protection Agency named the sites in California, Delaware, and Minnesota April 16 after the agency's regional staff said they needed a push from the administrator, Albert "Kell" Kelly, Pruitt's senior adviser on Superfund issues, told Bloomberg Environment.

Kelly expects that push to come in the form of an expedited cleanup plan decision or quicker negotiations for each of the sites.

Pruitt also removed two sites from the list of those needing immediate action.

The sites EPA added to the list are Delaware Sand and Gravel Landfill in New Castle, Del., Casmalia Resources in Casmalia, Calif., and St. Regis Paper Co. in Cass Lake, Minn.

Kelly said hard and fast criteria aren't necessarily used when adding sites to the administrator's list.

"The criteria has some subjectivity to it, because it has to be sites [where] regions believe attention from the administrator will help them get to whatever milestone," Kelly said.

Cass Lake, Minn.

Pruitt aims to finalize a residential soil cleanup plan for the St. Regis Paper Co. site.

Remediating the Minnesota site "has been a very long and difficult process," Sara Peterson, a lawyer representing Cass Lake, Minn., the city where the property is located, told Bloomberg Environment.

The site contains soils and groundwater possibly contaminated by dioxins, pentachlorophenol, and polycyclic aromatic hydrocarbons, according to an EPA fact sheet on the site.

From the 1950s to the 1980s, Champion Paper Co.—a predecessor company to the site's current owner, Memphis, Tenn.-based International Paper Co.—manufactured treated wood for railroad ties and telephone poles.

Thomas Ryan, a spokesperson for International Paper, told Bloomberg Environment the company is working with the EPA and other parties at the Superfund site.

The city is anxious for the site's environmental cleanup to be completed, Peterson said.

"They need the jobs that would come with the redevelopment of this site, and they've got some potential opportunities out there. But having a Superfund site there at this point makes it awfully hard to market the site," she said.

A March 2016 EPA-proposed plan recommended removing contaminated soil from affected residential areas and replacing it with clean soil, managing removed soil on site, disposing of a small amount of heavily contaminated soil at an off-site facility, and monitoring soil stored on site.

Casmalia, Calif.

The Casmalia Resources site in California was a commercial hazardous waste treatment, storage, and disposal facility spanning more than 250 acres.

The EPA finalized a \$590,722 settlement in November with 57 of the companies that contributed waste to the landfill. Those companies include Nestle, Leidos Inc., Hubbell Inc., and Hearst Corp.

None of those companies responded to Bloomberg Environment's emails or calls about the site's addition to Pruitt's list.

In addition, companies and government agencies involved with the Delaware site did not respond to Bloomberg

Environment's requests for comment.

### Setting Deadlines

The EPA also provided updates April 16 about each of the other sites on Pruitt's "immediate, intense action" list.

At the Mohawk Tannery site in Nashua, N.H., the agency wants to propose a cleanup plan this summer. The EPA is negotiating an agreement with a prospective purchaser who would redevelop the site.

For two New Jersey sites, American Cyanamid Inc. in Bound Brook and Berry's Creek in Wood Ridge borough, the agency wants to propose cleanup plans by the end of this spring.

The agency also wants to propose a cleanup plan for the Superfund site in East Chicago, Ind. this summer. The EPA is working on cleaning up lead-contaminated soil at parts of the site.

### Delisted Sites

Pruitt already has made major cleanup decisions at the two sites removed from the list, the Anaconda Copper Mine in Yerington, Nev., and San Jacinto River Waste Pits outside Houston.

The EPA agreed in February to allow Nevada to oversee the cleanup of the Anaconda site, owned by Atlantic Richfield Co., after the state sought to assume control and work with private parties for a quicker resolution.

The former mine site had been under consideration to be added to the EPA National Priorities List so it could qualify for long-term cleanup and federal funding. The state last year asked the agency to defer the mine listing except for areas on tribal lands.

The San Jacinto River Waste Pits site contains paper mill waste material, including highly toxic dioxins, generated in the bleaching of wood pulp to make paper, the EPA said.

Pruitt announced a \$115 million plan in October for the pits that entails excavating more than 212,000 cubic yards of contaminated waste.

Superfund sites are the most contaminated in the country, and include the Gowanus Canal in New York, Portland Harbor in Oregon, and Tar Creek in Oklahoma. Properties with EPA's Superfund designation are eligible to receive federal funds for cleanup, though the agency aims to compel companies responsible for the sites to pay the cleanup bills.

## Tulsa World

[http://www.tulsaworld.com/homepagelatest/epa-finalizes-guidelines-to-ebb-illinois-river-tenkiller-lake-pollution/article\\_f2de85c0-46c8-5dec-99c4-3a84fc710fad.html](http://www.tulsaworld.com/homepagelatest/epa-finalizes-guidelines-to-ebb-illinois-river-tenkiller-lake-pollution/article_f2de85c0-46c8-5dec-99c4-3a84fc710fad.html)

### **EPA Finalizes Guidelines to Ebb Illinois River, Tenkiller Lake Pollution**

By Kelly Bostian, 4/16/18

Long-awaited rules mean Arkansas and Oklahoma agencies will operate off same page

After decades of disagreement and litigation, it appears Arkansas and Oklahoma finally will be operating off the same page when it comes to Illinois River and Tenkiller Lake pollution sources.

Longtime Illinois River advocates were glad to see the Environmental Protection Agency's announcement Monday of long-awaited pollution guidelines for the watershed.

"I'm certainly glad to hear this," said Ed Brocksmitth, a founder of the group Save The Illinois River, who said for [a Tulsa](#)

[World article](#) just a few weeks ago that he feared years of cooperative efforts in the hands of the EPA had “fallen into a black hole.”

“It’s definitely a step forward,” he said Monday.

Phosphorous and nitrates from wastewater plants, poultry producers, industry and other sources caused algae to grow in the river and changed the habitat. The pollutants can cause algal blooms that lead to low dissolved oxygen and fish die-offs in the lake. Increased erosion and sedimentation in the river and lake also are issues.

What the EPA approved are working models for the river and the lake that address the long-debated water quality factors, most notably “total maximum daily load” for phosphorus and nitrates. In coming weeks and months, Oklahoma and Arkansas agencies and stakeholders will review the models and discuss implementation and enforcement of those rules.

The Oklahoma Water Resources Board planned to discuss the guidelines in its meeting in Oklahoma City Tuesday morning. Oklahoma Secretary of Energy and Environment Michael Teague met with his cabinet and other state agency leaders Monday.

“What we have now is a template that is concise and clear and user-friendly,” said Ed Fite, vice president of water quality for Grand River Dam Authority. “The homework assignment now is for the two states to put together a framework of how it all comes together.”

Teague said his office, Arkansas state leaders, agency leaders of both states and Cherokee tribal leaders have worked with the EPA throughout the process.

“The models (for the river and Tenkiller Lake) say, ‘here is the tool we’re all going to use,’” Teague said. “Now we can look at it and say, ‘now if we put this regulation change in place here, then what does that impact throughout the system?’ It gives everyone a common platform.”

EPA Regional Administrator Anne Edsal urged that continued cooperation.

“Over the years, we have made great progress by working with states, tribes and local agencies in improving conditions throughout the watershed and we look forward to continuing this effort,” she said.

After years of disagreement between the states, a Statement of Joint Principles and Action was signed in 2003 in an effort to avoid litigation and further scientific understanding of the situation at hand.

The agreement fell short in the eyes of Oklahomans, who filed suit against poultry producers in a lawsuit that concluded in 2008 but has yet to see a ruling from the presiding judge.

Cooperative efforts increased after the lawsuit and in 2013 the states extended the agreement, enlisted the help of Baylor University as a neutral third party to complete water quality studies, and in 2016 the reports and suggested models were given to the EPA for finalization.

“Now the states and other entities can begin finding agreement on how to achieve Oklahoma Scenic River water quality standards,” said Denise Deason-Toyne, president of non-profit Save the Illinois River group. “We are anxious to see the modeling for phosphorous, the primary nutrient that is over fertilizing our scenic rivers and Tenkiller Lake. Sedimentation is also a big problem, which must be addressed.”

The Oklahoma-Arkansas Scenic Rivers Joint Phosphorus Study, part of the cooperative effort started in 2003, found that a 0.037 ppm total maximum daily load was appropriate for the river with the help of Baylor University researchers. The guideline is one that Arkansas interests initially thought to be arbitrary and too restrictive.

Teague said his understanding is the new models follow that 0.037 recommendation but he said the states will have to make it official.

Fite said that from his discussions with Arkansas leaders and stakeholders, the guidelines will be welcomed.

“People have been just waiting for the ambiguity to be firmed up and have a number so they can actually plan, design and fund and implement (their plans),” he said.

Teague said collaboration between states, agencies and stakeholders has been a superior process to legal wrangling of the past.

“Collaboration is how you get everything done,” he said. “It’s how we addressed earthquakes, it’s this same type of thing, and now we have Arkansas and Oklahoma and EPA Region 6 and the Cherokee Nation all working together and improving this watershed.”

## Las Vegas Review Journal

<https://www.reviewjournal.com/news/politics-and-government/nevada/nevadas-anaconda-mine-removed-from-epa-superfund-list/>

### **Nevada’s Anaconda Mine Removed From EPA Superfund List**

By Gary martin, 4/16/18

An agreement reached between Nevada and the Environmental Protection Agency has kept the Anaconda Copper Mine off a Superfund list, with cleanup now being directed by the state and funded by a private company, officials said Monday.

Nevada Gov. Brian Sandoval and EPA Administrator Scott Pruitt signed a National Priorities List Deferral Agreement on Feb. 5 that puts the state in control of expedited cleanup and preparation for reuse of the property.

“Since Governor Sandoval took office and before, the state has worked to develop a long-term plan to clean up the site with a secure source of funding,” said Mary-Sarah Kinner, the governor’s spokeswoman.

Pruitt released a list of potential Superfund sites Monday that no longer includes the Nevada mine.

The list also excludes the San Jacinto River Waste Pits in Texas. Three sites in California, Delaware and Minnesota were targeted by the EPA for immediate and intense cleanup efforts and put on a list for Superfund inclusion.

“We are making tremendous progress expediting sites through the entire Superfund remediation process,” Pruitt said in a statement.

Pruitt said the updated list “reflects our commitment to addressing Superfund sites as quickly and safely as possible.”

The EPA administrator visited the Nevada and Texas sites as part of his effort to make timely decisions for cleanup of the sites and ensure protection of health and the environment for the surrounding communities.

During the Obama administration, the EPA proposed adding the Anaconda Copper Mine, which opened in 1918, to the Superfund National Priorities List to make it eligible for federal remedial funds.

Last year Atlantic Richfield Co. approached Nevada and proposed to fund implementation of a sitewide remedy for the mine. The company bought the mine in 1978.

Sandoval asked EPA in July to defer placing the copper mine on the Superfund list. Sandoval, the Nevada Division of Environmental Protection, Native American tribes and other stakeholders worked with the EPA to keep the site off the

national priorities list.

Pruitt granted the request after the EPA determined cleanup efforts meet federal requirements.

In February, Sandoval called the signing of the agreement with the EPA a “landmark day.” He said the state and Atlantic Richfield would work in partnership on the remaining cleanup, which is expected to take another decade.

The Trump administration has proposed cutting spending at the EPA, and funds for the Superfund program.

With cleanup under administration by the state, and Atlantic Richfield pledging to fund the process, state officials see the decision on a deferred listing as a move to secure funding for cleanup of leaching fields at the old mine where chemicals were used to strip copper from rock.

As a result of this public-private partnership, there was no need for the EPA administrator’s office to continue tracking the mine site, Kinner said. The site will remain proposed for the national priority list until cleanup is completed under Nevada Division of Environmental Protection oversight.

Cleanup actions under the Superfund program have historically been slow, expensive and process-laden, according to the state agency.

The mine is located in Lyon County near the town of Yerington.

## Bloomberg Environment

<https://news.bloombergenvironment.com/environment-and-energy/smaller-bites-in-epa-air-chiefs-second-pass-at-permitting-update>

### **Smaller Bites in EPA Air Chiefs Second Pass at Permitting Update**

By Jennifer Lu, 4/16/18

William Wehrum has unfinished business with the EPA’s air pollution permitting program for factories and power plants that want to expand or make major upgrades to their facilities.

In his first stint at the Environmental Protection Agency in an acting capacity, Wehrum tried to address industry criticism over the permitting program, known as new source review, with sweeping rulemaking bundles.

His efforts were either dropped after the George W. Bush administration withdrew his nomination to head the Office of Air and Radiation in 2007, blocked by the courts, or undone by the incoming Obama administration.

“This time around,” Wehrum told Bloomberg Environment in an exclusive April 13 interview, “it’s important to strike a better balance.”

Already, the EPA has issued two industry-coveted tweaks to the permitting program through guidance documents.

The new source review program requires factories and power plants to install costly new air pollution controls when they expand or make modifications that increase their emissions.

Industries have long complained that securing compliance with the permitting program is tedious, time consuming, and confusing. Updating how the EPA administers the program through guidance documents is one way to quickly address those concerns.

“There are a lot of current issues within [new source review] that we can provide clear guidance through guidance,” Wehrum said. “Our strategy is to tell people sooner rather than later how we think the program should be implemented.”

## Did You Get the Memo?

The focus on bite-sized updates to EPA programs comes after Wehrum watched a series of ambitious regulations he helped craft—from toxic air pollution rules from the power industry to attempts to set up an emissions trading program for power plants—get overturned by judges during his last go-round at the agency between 2005-2007.

Back then, Wehrum didn't have the option to quickly update policy through guidance. Only since a 2014 U.S. Supreme Court decision in [Perez v. Mortgage Bankers Association](#) have federal agencies like the EPA been allowed to issue guidance such as policy memos without having to go through a lengthy public comment process.

"We have an interest in trying to do some things quickly, and especially in case-specific circumstances where clarity is lacking," Wehrum said.

However, policy made through guidance memos can be just as easily undone by a new administration, John Walke of the Natural Resources Defense Council, who previously served in the EPA General Counsel's Office, told Bloomberg Environment.

Environmental groups like Walke's and some states have already sued the EPA over one of its guidance documents, which eased toxic pollution emissions standards for industry.

"Industry relies upon Bill Wehrum's guidance at its peril," Walke said.

## Everything Old is New Source Review Again

But updating the permitting program has long been an industry priority. It was repeatedly spotlighted by businesses when the EPA put out a call for regulations that should be revised or eliminated.

After past regulatory efforts to make it industry-friendly fizzled, the fastest way to address business concerns is through guidance, Richard Alonso, environmental attorney at Sidley Austin LLP's Washington, D.C., office, told Bloomberg Environment.

Already, the EPA has issued two memos on two new source review changes. A [December](#) memo told agency staff not to "second-guess" how facilities calculate emissions changes.

That was followed by a [March](#) memo on project emissions accounting, also known as project netting, which tells facilities how to calculate whether emissions from their proposed new construction projects would increase pollution. Under the new guidance, facilities can include emissions decreases from their projects to the overall calculations to avoid triggering new source review.

The memo drew inspiration from a 2006 rule changing three aspects of emissions counting under new source review, which lost traction after Wehrum left the agency.

"Finalizing this [2006] rulemaking would help to remove a substantial burden to energy and manufacturing projects," Louis Renjel, vice president of federal government affairs and strategic policy at Duke Energy, [wrote](#) in response to an EPA call for suggestions on reducing regulatory burdens.

The American Chemistry Council also [asked](#) the EPA to revisit the reforms proposed during the Bush-era EPA, whether through guidance, regulation, or legislation.

The EPA this summer aims to address project aggregation, another piece of new source review reform from Wehrum's 2006 rulemaking bundle.

It would define how emissions from separate modifications that take place around the same time should be counted,

according to a [presentation](#) Anna Marie Wood, director of the EPA's Air Quality Policy Division, gave at a state air regulators conference April 5.

### More Guidance Coming

Three more guidance memos are slated to be issued this spring, according to Wood's presentation.

One would redefine what counts as "ambient air," or the air the general public breathes. This definition is important to new source review because facilities must show that their post-construction emissions won't worsen air quality according to the national standards, Lynn Hutchinson, the EPA new source review project lead in 2002, told Bloomberg Environment.

Another guidance document in the works would change the pollutant modeling used to decide whether emissions would damage air quality. The White House completed its review of the memo April 12.

A third spring guidance document would allow the EPA to revive an attempt to expand the kinds of routine maintenance and repairs excluded from new source review. That 2003 rule was vacated by the U.S. Court of Appeals for the District of Columbia Circuit in [New York v. EPA](#) in 2006, which said industries could not write off physical changes that cost below a certain amount as routine maintenance.

"You already have a court on record saying those particular reforms are not allowed, so those might be a heavier lift without notice and comment rulemaking," Alonso said.

When asked how he will ensure that his current batch of reforms stick beyond the current administration, Wehrum said, "a piece of it is making change that will last, but the bigger piece of it, for me, again, is just from a public policy standpoint."

"If people can't look at our rules and know what they need to do to comply, then we've got a problem," he said.

### Reuters

<https://www.reuters.com/article/us-usa-trump-russia-cohen/foxs-hannity-revealed-as-mystery-client-of-trumps-personal-lawyer-idUSKBN1HN12G>

#### **Fox's Hannity Revealed as Mystery Client of Trump's Personal Lawyer**

By Brendan Pierson, Karen Freifeld, Jonathan Stempel, 4/16/18

U.S. President Donald Trump's personal lawyer was forced on Monday to reveal in a New York federal court that Fox News personality Sean Hannity, one of Trump's most ardent defenders, was also on his client list.

Michael Cohen, Trump's fiercely loyal and pugnacious lawyer, disclosed Hannity's name through one of his own lawyers at the order of the judge. Stormy Daniels, an adult-film actress who says she had a sexual encounter with Trump, watched from the public gallery.

Daniels, in a separate civil case, is fighting a 2016 non-disclosure agreement arranged by Cohen in which she got \$130,000 to stop her from discussing her claim she had sex with Trump a decade earlier, something Trump has denied.

Hannity, 56, said on Monday that he had never paid for Cohen's services or been represented by him, but had sought confidential legal advice from him. The conservative host often uses his weeknight broadcast on Fox News to defend the president against what he sees as biased attacks by the media. Sometimes Trump praises Hannity in return.

Cohen was in court to ask the judge to limit the ability of federal prosecutors to review documents seized from his offices and home last week as part of a criminal investigation, which stems in part from a probe into possible collusion between Trump's presidential campaign and Russia. ([Full Story](#))

The Russia investigation has frustrated the White House as it has spread to enfold some of Trump's closest confidantes.

Judge Kimba Wood spent more than 2-1/2 hours listening to arguments by Cohen's lawyers, prosecutors from the U.S. attorney's office in Manhattan and a lawyer representing Trump in the hearing. She is expected to rule later.

She ordered prosecutors to give Cohen's lawyers a copy of the seized materials before the next hearing.

The unexpected naming of Hannity made him the latest prominent media personality to be drawn into the investigation's cast of unlikely supporting characters.

Daniels, whose real name is Stephanie Clifford, was another. As she arrived at the courthouse dressed in a lavender suit, photographers knocked over barricades as they scrambled to get pictures.

Daniels sat with her lawyer, Michael Avenatti, who told reporters they were there to help ensure protection for the integrity of the seized documents, some of which they believe pertain to the Daniels agreement.

Cohen, dressed in a dark suit, at times looked tense, folding and clasping his hands in front of him.

#### GASPS AND LAUGHTER

Cohen has argued that some of the documents and data seized from him under a warrant are protected by attorney-client privilege or otherwise unconnected to the investigation. But Judge Wood said she would still need the names of those other clients, and rejected his efforts to mask the identity of Hannity, a client Cohen had said wanted to avoid publicity.

"I understand if he doesn't want his name out there, but that's not enough under the law," Wood said, before ordering the name disclosed.

Stephen Ryan, a lawyer for Cohen, drew gasps and laughter from the public gallery when he named Hannity as the client.

After his identity was revealed, Hannity said on his syndicated radio show, and again later on his Fox News program, that he had "occasional, brief discussions" with Cohen in which he sought out Cohen's "input and perspective."

Hannity said he assumed those discussions were covered by attorney-client privilege, and insisted that none involved any matter between himself and a third party. He also said his talks with Cohen "almost exclusively focused on real estate."

Legal advice can be considered privileged even if given by a lawyer for free.

Hannity, the top-rated personality on the most watched U.S. cable news network, told his viewers on April 9 that the raid on Cohen was part an effort by federal investigators to wrongly impeach the president. He never mentioned his association with Cohen during that broadcast.

On Monday's show, Hannity expressed amusement at the firestorm of media coverage unleashed by the disclosure that he and Trump shared a legal adviser in Cohen, playing a 45-second, rapid-fire montage of various TV commentators and anchors uttering his name on the air throughout the day.

Cohen has asked the court to give his own lawyers the first look at the seized materials so they can identify documents that are protected by attorney-client privilege. ([Full Story](#))

Failing that, they want the court to appoint an independent official known as a special master, a role typically filled by a lawyer, to go through the records and decide what prosecutors can see.



But prosecutors want the documents to be reviewed for attorney-client privilege by a “taint team” of lawyers within their own office, who would be walled off from the main prosecution team.

“I have faith in the Southern District U.S. Attorney’s Office that their integrity is unimpeachable,” making a taint team “a viable option,” Judge Wood said.

But she also said that to help ensure fairness and the perception of fairness, “a special master might have some role here.”

After the hearing, Cohen left without comment.

Daniels, in contrast, stepped up to the bank of microphones set up on the sidewalk, telling reporters that Cohen had thought he was above the law.

“My attorney and I are committed that everyone finds out the truth and the facts of what happened, and I will not rest until that happens,” she said.

## Washington Free Beacon

<http://freebeacon.com/national-security/ex-cia-chief-says-obama-rejected-cyber-action-russia-election-meddling/>

### **Ex-CIA Chief Says Obama Rejected Cyber Action Against Russia for Election Meddling**

By Bill Gertz, 4/17/18

Despite an unprecedented Russian intelligence operation to influence the 2016 presidential election, former President Barack Obama rejected a plan to conduct retaliatory cyber action against Moscow during the campaign, according to former CIA Director John Brennan.

Brennan disclosed Saturday that Obama opposed a plan to carry out "a cyber event" against the Russians because the former president feared the action would lead to more aggressive interference by Moscow.

"There was consideration about rattling their cages with some type of cyber event," Brennan said during remarks to a journalism conference at the University of California Berkeley.

But based on Obama's fears, the planned cyber action was shelved in favor issuing vague warnings to Russian officials. Brennan did not elaborate on the cyber retaliation plan.

"President Obama was the ultimate decision-maker on that," Brennan said of the lack of response.

The former CIA director defended the Obama administration's handling of what is widely viewed as a significant counterintelligence failure during the presidential election.

After the election, Obama ordered the expulsion of 35 Russian intelligence officers.

Both the FBI and CIA are charged with the conducting counterintelligence—detecting and thwarting hostile intelligence operations. Both agencies failed to halt the Russians in 2016 either in the United States or abroad.

U.S. officials have said the targeting of U.S. and foreign elections by Russia is continuing.

President Trump in February criticized his predecessor in a Tweet for failing to act. "Why didn't Obama do something about the meddling? Why aren't Dem crimes under investigation? Ask Jeff Sessions!" he tweeted.

The disclosure that Obama scrapped a cyber plan to retaliate against Moscow for election interference comes as a former senior counterintelligence official, Michelle Van Cleave, revealed in congressional testimony last week that the Obama administration weakened American counterintelligence programs by downgrading a top counterspy office.

Brennan said he had "great confidence" the Russian influence operation was authorized and directed by Russian President Vladimir Putin, a former KGB intelligence officer. The Russian intelligence services also "know what the mission is, know what their capabilities are, and will apply them to issues that are of interest to Russian national security," he said.

Brennan called the meddling "unprecedented in terms of its scope and intensity, and made full use of the digital domain."

The first indications of Russian interference were spotted in late 2015 and early 2016 and the operation was mentioned in press reports in the spring of 2016. By the summer of 2016 the operations were confirmed, he said.

Obama also made clear to the CIA that he did not want the agency doing anything "in reality or in perception" that would have advanced the Russian disinformation and propaganda campaign, Brennan said.

"We were really trying to strike the right balance between doing everything we could to prevent and thwart as well as to uncover and understand what the Russians were doing without doing anything that would almost advance their interests in trying to disrupt our election," he said.

Obama also was afraid any U.S. action against the Russians might be perceived as an outgoing Democratic president working to influence the election outcome.

"So if we did more things and stood at the hilltops and cried out, 'the Russians, the Russians are trying to help Trump get elected,' and if President Obama who is the titular head of the Democratic Party were to do that, I think that there would have been a lot of people would believe, I think with some justification, that the President of the United States was trying to influence the outcome of a presidential election," Brennan said.

Brennan also said the Obama administration opposed aggressive action because of the president's belief that any effort to punish the Russian might produce stepped up activities.

Russian hackers had been detected navigating inside state election voter registration roll computers and other election-related networks.

"They had things that they could have done that they didn't do," Brennan said of the Russians.

Intelligence agencies concluded in a report issued in early 2017 that Russian civilian and military intelligence agencies conducted an aggressive operation to sow social discord during the 2016 election by opposing Hillary Clinton while seeking to boost Donald Trump's campaign.

The Russian operation included the use of advertising on social media platforms like Facebook, and cyber attacks involving the cyber theft of emails and postings online using covert internet personas.

In February, 13 Russians were indicted by Special Counsel Robert Mueller for running a St. Petersburg, Russia-based internet troll farm that carried out influence operations during the elections.

So far, no action has been taken against the Russian hackers engaged in email thefts.

Kenneth deGraffenreid, former deputy national counterintelligence executive, said Obama's inaction was a major counterintelligence failure.

"If Brennan's claims are true, the Obama administration's inaction in the face of this Russian cyber aggression represents a serious counterintelligence failure that has had terrible consequences," deGraffenreid said.

"Good counterintelligence requires an active element beyond collecting and analyzing the secret information that has

been uncovered—namely countering this serious foreign intelligence threat in an effective way. The U.S. has the sophisticated tools to do this."

"There simply is no excuse for not doing so," he added. "Our national security depends on American leaders taking the action required."

Despite signs the operation had been underway since 2015, Brennan said he was the first U.S. official to protest the matter during an Aug. 4, 2016, telephone to Alexander Bortnikov, head of Russia's FSB security service.

"I told him rather directly that if the Russians were to go down this road, they would pay a significant price," Brennan said. "I told him that all Americans would be outraged by a Russian effort to try and interfere in our election."

A month later at the G-20 summit in China, Obama confronted Putin about the election interference, according to Brennan.

Weeks later, Director of National Intelligence James Clapper and Homeland Security Secretary Jeh Johnson issued an official statement accusing the Russian government of interfering with the election campaign.

Brennan said he believes the softline Obama policy dissuaded Moscow from intensifying the campaign and that he had no regrets.

Additionally, the former CIA chief said he has spoken to Obama who he asserted is "very comfortable with what we did and didn't do."

"I would argue that I think by pushing them back a bit and confronting them with it, both privately as well as publicly, I think we did dissuade them from even going further," he said.

Brennan also said the CIA was told by Obama not to take any action on the Russian intelligence operation over concerns any action would appear the administration was trying to support the Democratic candidate, Hillary Clinton.

Since leaving office, Brennan has been a Trump critic, taking to Twitter to call the president a "charlatan," "demagogue," and "snake oil salesman."

Brennan said that criticism has cost him financially as "a number of opportunities were rescinded."

Russian cyber intelligence operations are sophisticated and difficult to track, he said.

"And so I fully anticipate that the Russians and others are going to take advantages that are there," Brennan said. "They are going to try to hide their footprints better. They're going to try to prevent the U.S. from understanding what may be happening there. But let's not make a mistake, that environment is ripe for mal actors and they are going to continue to cause us problems."

On the controversial dossier produced by former British intelligence officer Christopher Steele, Brennan said the dossier may have been part of a Russian cover operation.

"Well certainly it could be," he said. "I don't know the provenance of the information. As I said I've seen the dossier. It is done by a former accomplished member of the British intelligence service, MI-6. It is sourced to unnamed sources and subsources that alleged these types of activities. So I don't know whether the information in it—some, all or none—is valid or not."

Brennan said he does not believe Steele was manipulated by the Russians for intelligence purposes.

"I do not believe he is acting on behalf of them," he said. "Might he have been unwittingly used? Maybe. So I don't

know."

The Steele dossier was funded by the Democratic National Committee and the Clinton campaign through the research group Fusion GPS.

The Washington Free Beacon hired Fusion GPS to conduct research on Republican candidates but had no role in the dossier.

On his political views, Brennan said he is not a member of any political party and described himself as "an avowed nonpartisan."

In 2016, Brennan disclosed that in 1976 he voted for the Moscow-backed Communist Party USA candidate for president, Gus Hall, during the height of the Cold War.

## Politico

<https://www.politico.com/story/2018/04/17/james-comey-trump-jailing-527942>

### **Comey on Trump Calling for Him to Be Jailed: 'This Is Not OK'**

By Louis Nelson, 4/17/18

Former FBI Director James Comey denounced Donald Trump's presidency as a threat to bedrock American values, warning that the president's calls for Comey to be jailed could erode the rule of law.

The former FBI director, whom Trump fired last spring, has been a frequent target of Trump's criticism, especially in recent days amid the start of a publicity tour for Comey's book, which was released Tuesday. Comey has been deeply critical of the president, characterizing him as morally unfit to occupy his office, while Trump has labeled the former FBI director as a liar and leaker, suggesting he be sent to jail.

"President Trump, I don't follow him on Twitter but I get to see his tweets tweeted, I don't know how many, but some tweets this past couple of days that I should be in jail. The president of the United States just said that a private citizen should be jailed. And I think the reaction of most of us was, 'meh, that's another one of those things.' This is not normal. This is not OK," Comey told NPR in an interview broadcast Tuesday morning. "The reason I'm talking in terms of morality is, those are the things that matter most to this country. And there's a great danger we'll be numbed into forgetting that, and then only a fool would be consoled by some policy victory."

While Comey's criticism of the president, both in interviews and in his book, has been withering, so too has the White House's response. Trump administration officials have painted Comey as a disgruntled ex-employee looking to settle scores and an admitted leaker whose Congressional testimony had to be corrected almost immediately. Trump's press secretary Sarah Huckabee Sanders said last week that "one of the president's greatest achievements will go down as firing director James Comey" and Trump himself wrote on Twitter over the weekend that Comey "will go down as the WORST FBI Director in history, by far!"

"This is not some tin pot dictatorship where the leader of the country gets to say 'the people I don't like go to jail.' Our Lady Justice wears a blindfold. And the reason all those statues all over the country have a blindfold is, that's the way it has to be," Comey told NPR. "Lady Justice can't be peeking under the blindfold to see if Donald Trump wants her to convict so-and-so and not convict so-and-so. If we lose that, we've lost the rule of law, and so there's great danger in the president of the United States saying 'you should be in jail.'"

Asked about the potential that he might one day run for office, Comey was emphatic that he had no such plans. Instead, he said he plans to teach at the university level and give speeches on ethics and leadership.

"Never. I will never run for office. Not even a close call," he said. "I'm going to teach about leadership and ethics, and so I'm going to be a professor, which is exciting, and speak about leadership... I'm going to use my book in the class and I'm

going to buy it for the students, because I'm not going to be one of those professors."

## TRUMP TWEETS

**Donald J. Trump**  @realDonaldTrump · 5m 

So many people are seeing the benefits of the Tax Cut Bill. Everyone is talking, really nice to see!

 1.1K  968  4.3K 

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**Donald J. Trump**  @realDonaldTrump · 5m 

Looks like Jerry Brown and California are not looking for safety and security along their very porous Border. He cannot come to terms for the National Guard to patrol and protect the Border. The high crime rate will only get higher. Much wanted Wall in San Diego already started!

 597  1.0K  3.8K 

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**Donald J. Trump**  @realDonaldTrump · 5m 

I am in Florida and looking forward to my meeting with Prime Minister Abe of Japan. Working on Trade and Military Security.

 498  959  3.8K 

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**Donald J. Trump**  @realDonaldTrump · 5m 

Employment is up, Taxes are DOWN. Enjoy!

 625  1.2K  4.6K 

**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** Teller, Paul S. EOP/WHO  
**Sent:** Fri 4/27/2018 5:27:02 PM  
**Subject:** Fwd: [EXTERNAL] Pruitt White House Petition from CFACT  
[Pruitt White House petition letter.pdf](#)  
[ATT00001.htm](#)  
[CFACT Keep Pruitt Petition.xls](#)  
[ATT00002.htm](#)

FYI

Paul Teller  
Special Assistant to the President  
Office of Legislative Affairs  
The White House  
[Paul.S.Teller@who.eop.gov](mailto:Paul.S.Teller@who.eop.gov)

Sent from my iPhone

Begin forwarded message:

**From:** "Adam Houser" <[ahouser@cfactcampus.org](mailto:ahouser@cfactcampus.org)>  
**To:** "Teller, Paul S. EOP/WHO" <[Paul.S.Teller@who.eop.gov](mailto:Paul.S.Teller@who.eop.gov)>  
**Cc:** "Craig Rucker" <[crucker@cfact.org](mailto:crucker@cfact.org)>  
**Subject:** [EXTERNAL] Pruitt White House Petition from CFACT

Dear Mr. Teller,

Attached please find a letter from CFACT President Craig Rucker and a petition recommending that President Trump retain Scott Pruitt as EPA Administrator and continue his program of reform.

Please feel free to contact Craig if you have any questions.

Very Truly Yours,  
Adam Houser  
**Adam Houser**  
*National Field Director*  
CFACT  
U.S. Mobile: Ex. 6 - Personal Privacy

Name	City	State
Dana Beasley	Jones	Oklahoma
Tony Smith	Queen Creek	Arizona
David Bucarey	Fairfax	Virginia
Stan Beasley	Jones	Oklahoma
ROSEMARY LANDRY	MEREDITH	New Hampshire
Mark Scirocco	Cape Girardeau	Missouri
Paul Edens	Hensley	Arkansas
Wesley Warnke	Springfield	Nebraska
Neville Storm	Lakeside	Arizona
Bill Nagele	Sheldon	Illinois
Adam Houser	Fairfax	Virginia
RJ Bradner	Bath Township	Ohio
Louis Bushard	Roseville	Minnesota
Pat O'Neal	Cartersville	Georgia
Burnet Shealey Sr	Honea Path	South Carolina
Jerry Johnson	Butte	Montana
Karen Scaggs	Middleton	Idaho
Louis Fourie	Livermore	California
Walter Fitzpatrick	South Windsor	Connecticut
Mike Woody	Ellisville	Missouri
Robert Cruikshank	Bradenton	Florida
Hugh Bartlett	Rolla	Missouri
K R	Southampton	Pennsylvania
Wanda Wilson	Tallahassee	Florida
Richard Lambert`	Gaithersburg	Maryland
Ng Lai Hah	Singapore	California
Naomi VanHart	Conlkin	New York
William Hertel	Granbury	Texas
John Mowery	Dublin	Ohio
Anthony Pompei	Long Beach	California
Marleen Wiersum	Ocala	Florida
Harry Gompf	Lawrenceburg	Tennessee
Jay Popowicz	Baltimore	Maryland
Lori Rucker	Berryville	Virginia
Thomas Roark Sr.	Mahwah	New Jersey
craig Anderson	Stockton	California
Diane Arnal	St.George	Utah
Julie Anderson	Bellefontaine	Ohio
William Brauer	Jacksonville	Florida
Dean Schaf	Indianapolis	Indiana
Arthur Dehon	Fernandina Beach	Florida
steve wegner wegner	big bend	Wisconsin
Michael Molchanow	The Villages	Florida
John Russell	Newport	North Carolina
Jim Williams		Pennsylvania
Sally Major	Greenville	South Carolina
Bob Brock	Chapel Hill. Brisbane. Australia	Select a state
William Beckham	Fresno	California
Jarrold Simon	Gueydan	Louisiana
Dr. Jochem Hauser	White Plains	New York
Harold Shaffer	Harrington	Delaware
Glenn Hemp	Waynesboro	Virginia

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michael neibel neibel	Roseville	Michigan
roxie Tyler	Amelia	Ohio
Edward Hicks	Mesa	Arizona
Rudy Moehs	HURLEYVILLE	New York
Mark Vance	Clover	Virginia
George Miller	Tracy City	Tennessee
Cheryl Mulligan	Pahrump	Nevada
Patrick Mulligan	Pahrump	Nevada
Tanq Mayo	Woodstock	Georgia
Kathryn B. Mayo	Woodstock	Georgia
Ronald Countryman	Greenville,	South Carolina
Jeffrey May	Indio	California
Russell Webster	Fleming Island	Florida
Katie Lambert	Yuma	Arizona
Alfred Pfeiffer	Denver	Colorado
William Olds		Select a state
Diana Schommer	Merritt Island	Florida
Susan De Courley	Hallsville	Missouri
Clay Pasternak	Walsenburg	Colorado
Nancy Pasternak	Walsenburg	Colorado
Steve Malinowski	RED MOUNTAIN	California
John Trulio Trulio	Los Angeles	California
Clint Evans	Russell	Kansas
TIMOTHY ODWYER	IRVING	Texas
randy smith	vacaville	California
Richard E. Otto	Badger	Minnesota
Paul Gionet	Liverpool	New York
Gilbert Calhoun	Eagle Rock	California
bruce judelson	tamarac	Florida
Hildegarde Evans	Sacramento	California
David Swan	Warren	Oregon
Gregory Weber	Columbia	South Carolina
Herman and Carole Fisler Fisler	Greencastle	Pennsylvania
Paul Thiele	Lakewood	Colorado
Linda Gurski	Becket	Massachusetts
Rebecca Voytek	Rowland Heights	California
Randy Giles	West Terre Haute	Indiana
Albert Simpson	Longwood	Florida
Rebecca Loporto	Ruidoso, NM	New Mexico
Cheryl Little	Chandler	Arizona
Jack. Hamm	Collbran	Colorado
rick cole	peoria	Arizona
Mary Auer Auer	Rancho Cordova	California
Ken Kleinendorst	Hop Bottom	Pennsylvania
Charles Hall	Chester	Maryland
Marti Deputy	Minden	Nevada
Richard Wickham	STOCKTON	California
Dean Eickman	Seward	Illinois
Valerie Dowden	KOKOMO	Indiana
Debby Stebel	Belchertown	Massachusetts
Alan Cannon	Houston	Texas



Steve Rovensine	Overland Park	Kansas
Neal Brown	San Diego	California
Mitchel Fritschle	Auburn	Washington
Kenny Miller	Madison	Alabama
Liz Prestridge	Magnolia	Texas
Stanley Halecki	South Mills	North Carolina
Jesse Davidson	Dickinson	Texas
Barbara Rogers	Flushing	New York
Sally Jadowski	Olean	New York
Elizabeth Terrazas	Sacramento	California
Bryan Latham	Clark	New Jersey
alwyne todd	sydney	Select a state
William Kurz	Sanford	Florida
Michael Lastufka	Cedar Hill	Texas
Adele Cunningham	Bartlesville	Oklahoma
Robert Cunningham	Dallas	Texas
Marilyn Stadtmueller	Olathe	Kansas
Robert Allen	Livermore	California
Doug Hoover	Minden	Nevada
Douglas Stewart	Adelaide	California
Margaret Dumas	Montrose	Colorado
james jackson	albright	West Virginia
Mike Heath		Select a state
Karen Spremulli	Bay Village	Ohio
Jess Stark	Houston	Texas
Micki Lynn Zettel	Laguna Hills	California
David Moretz	Belhaven	North Carolina
Norman Holman	Hood River	Oregon
Laura Hilse	Andover	Minnesota
Marian Creel	DAVIDSONVILLE	Maryland
Esther Steege	Mercer Island	Washington
charles gordon	saint johns	Florida
Donald Mueller	New Palestine	Indiana
michael Ferrell	Hyannis	Massachusetts
Mike Ayers Ayers	Myrtle Creek	Oregon
Herman Stanford	Poplarville	Mississippi
john willoughby	villa rica	Georgia
Marvin Earle	Mt arlington	New Jersey
Patti Sexton	Cambridge	Idaho
Jim Stadler	Dayton	Ohio
Eleanor Zimmerlein	LaMoille	Illinois
Sue Marsh	Pittsburgh	Pennsylvania
David Nicklas	Danvers	Massachusetts
steven torres	manvel	Texas
William Moulliet	Harrison	Ohio
Jay Taylor	Pensacola	Florida
Gary Simpronio	Selma	Oregon
cheryl steen	Woodland Park	Select a state
Ronald Russell	UNION	Washington
George Kacek	Chelmsford	Massachusetts
Robert Balsbaugh	Myerstown	Pennsylvania
Robert Flechtner	San Ber'dino	California
Donald Stoneburner	Lima	Ohio

Owen Henry	Pharr	Texas
Denny Allen	Auburn	California
Bonnie Chandler Chandler	Harvard	Massachusetts
Michael St-Onge	Coeur d'Alene	Idaho
Robert Resetar Resetar	Tucson	Arizona
Pedro Avila	Miami	Florida
Janis Ulmer	Fallbrook	California
Bonnie Hackett	S Berwick	Maine
Lee Cruickshank	Orange Park	Florida
Brett Wortham	Kimberly	Idaho
Jeremy Jelle	Tucson	Arizona
Linda Mellott	Jeffersonville	Ohio
Ann Lowe	Clarksville	Tennessee
Charlotte Brock Brock	Gallatin	Tennessee
John Akers	Everett	Pennsylvania
Lynne Morand	Monroe	North Carolina
Jean Reed	Ft. Myers	Florida
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Shelley McKnight	Sunbury	Ohio
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Nevada  
Texas  
Indiana  
California  
Missouri  
Florida  
Kansas  
Tennessee  
Illinois  
Virginia  
South Carolina  
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Missouri  
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Ohio  
Nevada  
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Texas  
Texas  
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Michigan  
Georgia  
Idaho  
Illinois  
Illinois  
Florida  
Indiana  
Texas  
Texas  
Florida  
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New Jersey  
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North Carolina  
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Missouri  
California  
Missouri  
Missouri  
Wisconsin  
Texas  
Texas  
Missouri  
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Todd Kinzel	Soldotna	Alaska
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Dennis Marshall	Newbury park	California
Pam Adams	Sandy Springs	Georgia
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Mark Shear	Calabasas	California
Janice Tarter	Morrow	Ohio
Sharon Wright	Rockville	Maryland
Chris Bush	New York	New York

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James Kuhlenschmidt	Goshen	Indiana
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Debra Beckman	Sunrise	Florida
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Arleigh Wangen	Sargeant	Minnesota
scott frasier	three bridges	New Jersey
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William Slater	Libertyville	Illinois
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Milt Sanders Sanders	Orem	Utah
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Steve Fitzgerald	Wesley Chapel	Florida
Ervin Tucker	Spokane	Washington
Richard Mullins	Sagle	Idaho
Clay Sanborn	Garland	Texas
Garth Balcom	Mesa	Arizona
Kerry Stone Stone	Ft Lauderdale	Florida



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Karen Meyer	Galena	Ohio
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David Hedstrom	Pleasant Grove	Alabama
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Tom Kees	Madison	Virginia
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Bill Moriarty		Nevada
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Dave Hill	Bloomington	Minnesota
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Larry Osborne	Crowley	Texas
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Jeffrey Hunter	Pacifica	California
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Gary Carpenter	West Lafayette	Ohio
Steven Hicks	Granbury	Texas
John Bioski	Oxford	Connecticut
George Bohman	Robinson	Illinois
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Dorothy Woodworth	Homosassa	Florida
Ben Dillard	Whittier	North Carolina
Joseph Garruba	Hollis	New Hampshire
Joseph DAmbrosia	Frederick	Maryland
Mk Oconnor	Capegirardeau	Missouri
Lamarr Douglas	Saint Petersburg	Florida
Jim Camp	Jackson	Georgia
James Douglas	Saint Petersburg	Florida
James Walker	Elora	Tennessee
Lynn Kleinvehn	Highlands Ranch	Colorado
Daniel Newhouse		Missouri
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john merchant	abilene	Texas
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jimmy camp	Sun City Center	Florida
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Joy Truax	Wayzata	Minnesota
c jones		Utah
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Ray Smith	Johnstown	Pennsylvania
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Robin Decker	DeLand	Florida
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Richard Klabecek	Anoka	Minnesota
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mary Kopmeier	Fairfield Glade	Tennessee
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Robert Brock	Commerce	Michigan
Harold Welborn	Penryn	California
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Jim Nelson	Milford	Michigan
Doug Weber	New Orleans	Louisiana
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robert hansen	mission viejo	California
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Thomas P Lowe	Excelsior	Minnesota
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Jim Green	Firestone	Colorado
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Nancy Lavery	Moline	Illinois
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Sam Edwards	Scottsville	Virginia
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Gary Oakden	Hilton	New York
ronald szczotka	burbank	Illinois
Jonathan Bryer	Greenwich	Connecticut
Twyla Tranfaglia	Fredericksburg	Texas
mike gillam	Vancouver	Washington
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Jeffery Powers	Milford	Ohio
Robert Feller	Freeport	Maine
William Redding	Chico	California
Michael Stoner	Bozeman	Montana
Carol Hess	Trenton	Ohio
Herbert Boester	Lytle	Texas
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Robert Stam	Amery	Wisconsin
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norman housleyu	Hollywood	Florida
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Jon Stuver	Niles	Michigan
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Richard Mustain	Rochester	Minnesota
Ralph McCullough	Franklin	Georgia
Emanuel Butera	Yardley	Pennsylvania
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diane nero	richmond	Virginia
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Michael Thibaudeau	Jaffrey	New Hampshire
Timothy Collani	Brick	New Jersey
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Ronald Eggert	Newton	Kansas
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Phil Fetzer	New york	New York
Mark Breese	Newport	Washington
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Rick Faircloth	Hinesville	Georgia
John Schwab		Michigan
Debbie Brandt	Rochester	Washington
Darren Hopper	Quakertown	Pennsylvania

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Lagean Dunn	Bullard	Texas
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James flythe	Spotsylvania	Virginia
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Dale Grunsky	Conway	South Carolina
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Guy VanDusen	Sherman	Texas
Clyde Wheeler	Coarsegold	California
Don Rasmusson	Rudolph	Ohio
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Henry Sintzenich	Geneva	Florida
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Alexander Denes	Omaha	Nebraska
Mark Armstrong	Chattanooga	Tennessee
Charles Vion	The Villages	Florida
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Brenda Eldredge	Avondale	Arizona
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John Klovstad	Whitefish	Montana
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Allen Lee	Omaha	Nebraska
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Ted Whalen	Marion	Illinois
Darin Tosse	Rochester	Minnesota
Richard Collins	Georgetown	Massachusetts
Edward Stewart	Cincinnati	Ohio
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Leonard Ernsbarger	nevada	Missouri
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Dave Rauen	Hamilton	Ohio
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mark book	plymouth	Minnesota
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Bob HARRISON	Ortonville	Michigan
Hal Fahner		Florida
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Tom Harlander	Wood River	Illinois
Gregory Fasolt	Manchester	Pennsylvania
Ronald Lewis	White House	Tennessee
Allan Moore	Williamsburg	Ohio
Steven Abraham	Elyria	Ohio
Reece Maggard	Kingston	Tennessee
Thomas Farrell	Monmouth	Oregon
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George Gallagher	Annapolis	Maryland
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Bobby Maggard	Whitesburg	Kentucky
Joseph Walz	Massapequa	New York
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Neil Jordan	Irvine	California
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cd r	Knoxville	Tennessee
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Daniel Sauber	Laurel	Maryland
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Sandra Simmons	mendota il	Illinois
Tom Sheahen	Oakland	Maryland
Steve Froslic	Barnesville	Minnesota
RM Soja Soja	Crestview	Florida
James Nurnberger	Coleman	Michigan
Rod Takata	St. Louis Park	Minnesota
Cole Ryan	San Francisco	California
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Raymond Wilson	Wyandotte	Oklahoma
Bill Christian	Elk Grove	Illinois
Ross Spain	Clovis	California
james de saxton	colorado springs	Colorado



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Joyce Watts	Orange Beach	Alabama
Erlinda McCrea	Merritt Island	Florida
Gerald Petras	Campbell	Ohio
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Richard Yule	Rochester	New York
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Hubert Merworth	Comanche	Texas
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Suzanne Murlowski	St. Paul	Minnesota
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Edward Weberq	Port Ewen	New York
Roy Shippen	Long Beach	California
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Larry Lunan	Kingsport	Tennessee
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keith fortin	anderson	South Carolina
Janelle Murlowski	Minneapolis	Minnesota
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Stephen Smith	Louisville	Kentucky
Jack Hearn	VALDOSTA	Georgia
Robert Thomson	Aberdeen	Washington
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Leszek Sulanowski	Deford	Michigan
Ralph Weaver	Noblesville	Indiana
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Joe Davidson	Guysville	Ohio
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Richard Hartle	Lancaster	Ohio

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Rick Jablon	Nashville	Tennessee
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Pat Tracy	Westerville	Ohio
Casimir Sammanasu	Lincoln	California
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John McGill	Midlothian	Virginia
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Thomas Dunn	St. Charles	Illinois
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ken Enderle	Goodyear	Arizona
Fred Bowling	Cincinnati	Ohio
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Todd Minchey	Cedar City	Utah
Anthony Smith	Huntington Beach	California
Lindsey Fine Fine	Granite Bay	California
David Edgar	Spruce Pine	Alabama
Tom Frichtel	Borrego Springs	California
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Michael Graetz	Stillwater	Minnesota
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Jim Hutchinsonon	Lampasas	Texas
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Robert Tatarka	Batavia	New York
Eddie Robinson	Goodlettsville	Tennessee

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Bruce Niehm	Ames	Iowa
Robert Cleaver	Mohnton	Pennsylvania
Harold Westra	Pipestone	Minnesota
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Vernon Beighley	Blackduck	Minnesota
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Thomas Wiedmann	Kenneth	Minnesota
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Frank Thurlow	Vista	California
C Murphy	Atlanta	Texas
James Nice	Marysville	Washington
Julie Sharkey	Casper	Wyoming
Darryl Speiser Speiser	Nampa	Idaho
Antoinette Beamer	Inverness	Florida
Michael G Del Rossi	Lower Gwynedd	Pennsylvania
Scotty Woodward	Lovettsville	Virginia
Twyla Bacon Bacon	LEON	Kansas
Ray Veneklas	Ada	Michigan
Steve Wolf	albuquerque	New Mexico
Jerry Walling	Dallas	Texas
Lindnef Bongaardt	Glen Mills	Pennsylvania
Lew Wallace	Pearl River	New York
Bruce Richardson	Columbus	Oregon
Rich Garber	Boise	Idaho
Robert Duenckel	Colorado Springs	Colorado
Carol Scace	Bothell	Washington
LIZ CARTIER	VALHALLA	New York
Janet Fellhauer	Lad Vegas	Nevada
Charles Walkup Jr	Waxhaw	North Carolina
Barbara Phillips	Prescott	Arizona
Kenneth Long	High Springs	Florida
Christine Caraher	Bohemia	New York
Brian Brotherton	Barberton	Ohio
Gary KELLOGG	OLEAN	New York
William Wright	Titusville	Florida
Linda Devlin	Pittsburgh	Pennsylvania
Dan Scoggins	st.simons island	Georgia
William King	Isom	Kentucky
Terry Jensen	Oreana	Idaho
Charles Shortell	Richmond	Missouri
Dr. Ronald Bartzatt Bartzatt	Omaha	Nebraska
David Niedzielski	Manistee	Michigan
Frank Heilman	Allentown	Pennsylvania

John Melewski	Schanmburg	Illinois
Gregg Dickson	Burlington	North Carolina
John Paterson Jr	Kemah	Texas
Brenda Warneka	Laughlin	Nevada
Richard Taylor	Henderson	Tennessee
Daniel R. Ferry	Pierre	South Dakota
Thomas Leszczynski	Richfield	Wisconsin
Thomas Sullivan	Leesburg	Florida
Marvin Booth	Downing	Wisconsin
Tim Reynolds	Knoxville	Tennessee
Kathy Gibbons	Eatontown	New Jersey
Ruth Pine	Bonnors Ferry	Idaho
Dennis Henderson	Fayetteville	Ohio
Frank Stabler	Fairhope	Alabama
Al Peterson	Tabernash	Colorado
Lisa Beach	Gahanna	Ohio
Marcel Matte	Calgary	Select a state
JACK SLOVER	NORCROSS	Georgia
stan kennedy	Garden City	Kansas
Stan Young	Raleigh	North Carolina
Edward Quirk	Oak Harbor	Washington
Richard Depies	Appleton	Wisconsin
Raymond Martini	Oceanside	New York
Edward Novak	La Grange Park	Illinois
Daniel St.Martine	Hollywood	Florida
Thomas Gagnon	Shalimar	Florida
david beck	grand junction	Colorado
Tamara Ritter	Tampa	Florida
Larry Kalmbach	Mahwah	New Jersey
CHUCK KIRKHUFF	TEMPE	Arizona
Don Leedy Leedy	Coldspring	Texas
vern street street	reeds spring	Missouri
Gary Anderson	Fruita	Colorado
Kirk Sampson	Omaha	Nebraska
Denise Sager	Williams	Oregon
Larry McDonald	Davisburg	Michigan
Nick Calley	Niceville	Florida
James Young	Pueblo	Colorado
Pamela Schmidt	Carol Stream	Illinois
David Thomas	Gardnerville	Nevada
Greg Behneke	Evans	Georgia
Kris Rieman	Newell	Iowa
David Smith	Akron	Ohio
Juliw Molnar	San Bernardino County	California
Stephen Hitchman	Cherry Hill	New Jersey
Ralph Shives	Lancaster	New York
Richard Piland	Niwot	Colorado
Calvin Kunzrich	Richland	Washington
Donald Hemm	Canton	North Carolina
James Brewer	Big Water	Utah
Joe Black	San Jose	California
Charles Hickman	MARION	Louisiana
Tom Collins	Bonita Springs, FL	Florida

Rose Acker  
Barry Lawrimore  
Robert Reed  
Brian Robb Robb  
Don Tilton  
Norman Peters  
Fred Beck  
Paul Grilli  
Mike Prescott  
Steve Carlock  
Moreland Beans  
Kevin Casey  
Steve Jehle  
patrick dullea  
christopher murray  
David Weimer  
VICTOR IMPARATO  
Keith Lauver Lauver  
Ronald Sundquist  
maria benton  
Edward Clifford  
Laurie Gatza  
Dushan Mitrovich  
James Hubbard  
Dennis Mackin  
David Humble  
Mervin Shreve  
peter dober  
Barry Levine  
Diana Chrislip  
Walter Caracciolo  
William Bode  
David Wells  
David Whitham  
David Witty Witty  
Michael Galea  
Thomas Hauck  
Pat Vaughn  
Daniel Swartz  
norm wendrow  
Randall Craig  
David Albert  
Charles lee  
Brent Gray  
Darren Marinis  
Doris Caward  
Nyal Bender  
Gregory Wrightstone  
Margaret Schweyer  
glenn schantz  
Dustin Rider  
Thomas Pinson  
Lauren King

Coon Rapids  
Trinty  
CONYERS  
Sterling  
Fulton  
Suamico  
Galax  
Streetsboro  
Laytonille  
Lebanon  
Whiteside  
Carlsbad  
St Paul  
san francisco  
billings  
Waxhaw  
BRONX  
YORKVILLE  
Palmdale  
wewoka  
Spring Hill  
Waukesha  
Cedar Crest  
Boulder  
Dunwoody  
Walnut Ridge  
St Johns  
Livonia  
La Jolla  
Wyandotte  
Franklin Square  
Lynden  
Minneapolis  
Loveland  
Nyssa  
Burton  
Ocala  
Caldwell  
Clear Lake  
mt pleasant  
Marblehead  
Belgrade  
Washington  
Chandler  
Salem  
Granite Bay  
Vernal  
Allison Park  
  
little rock  
Lee\'s Summit  
Colorado Springs  
Lexington

Minnesota  
North Carolina  
Georgia  
Alaska  
Missouri  
Wisconsin  
Virginia  
Ohio  
California  
Maine  
Tennessee  
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Montana  
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Colorado  
Oregon  
Michigan  
Florida  
Idaho  
Iowa  
Michigan  
Massachusetts  
Montana  
District of Columbia  
Arizona  
Wisconsin  
California  
Utah  
Pennsylvania  
Florida  
Arkansas  
Missouri  
Colorado  
South Carolina

Harry Prince Jr  
Thomas Pinson Pinson  
Orvis Pigg  
Scott Stolnitz  
Paul Scherer  
Michael Goetz  
christina norman  
Paul Driessen  
Marc Morano  
Bonner Cohen  
Craig Rucker  
Doug Houser  
Jonathan Houser

Saco  
Colorado Springs  
Suwanee  
Friday Harbor  
Arvada  
Port Charlotte  
mechanicsburg  
Fairfax  
Manassas  
  
Berryville  
Toms River  
Minneapolis

Maine  
Colorado  
Georgia  
Washington  
Colorado  
Florida  
Pennsylvania  
Virginia  
Virginia  
Virginia  
New Jersey  
Minnesota

# Keep Scott Pruitt and keep EPA reform alive

As EPA has engaged in bureaucratic overreach far exceeding its lawful authority;

It has been used by partisan interests, radical pressure groups and profiteers to thwart business and burden private property rights often with questionable if any benefit to the environment;

It has operated in an opaque manner, refusing to share the data and science it relies upon for review and avoided realistic cost-benefit analyses of its policies;

It has used “sue and settle” legal tactics to short-circuit the regulatory process and divert financial resources to select special interests;

That Trump charged EPA Administrator Scott Pruitt with the task of reforming EPA;

That Administrator Pruitt has become the target of partisan attacks aimed at thwarting his efforts at reform;

Therefore, we the undersigned, call upon President Trump to retain Scott Pruitt as EPA Administrator, to continue the badly needed process of reforming EPA and restoring it to its proper role as a protective, non-partisan protector of our environment.











































































































































































































April 27, 2018

Paul S. Teller  
Special Assistant to the President  
for Legislative Affairs  
The White House  
Washington, D.C.

Dear Mr. Teller:

Today we are filing with the White House a petition signed by 4,676 people asking President Trump to retain Scott Pruitt as Administrator of EPA. For years EPA has been the poster child for Washington bureaucratic overreach. Administrator Pruitt is doing a splendid job advancing the President's goal of reforming EPA and the rest of our federal bureaucracy.

Administrator Pruitt has been the subject of shrill criticism over minor issues designed to thwart his efforts at reform. The President should stand behind loyal public servants like Scott Pruitt or suffer a chilling effect on his Administration's ability to recruit and retain talented Americans with the courage to make positive change.

Very Truly Yours,

Craig Rucker  
President  
540-955-2481  
Crucker@CFACT.org

**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** Hanson, Andrew  
**Sent:** Fri 7/7/2017 12:50:20 PM  
**Subject:** RE: WOTUS letter from Cmsr Pigott (IN)  
WOTUSFedCommentsByState.docx

Hey –

The attached is current....most of what is trickling in at this point has already been received/logged by the portal/docket. OWOW is currently developing its substantive review/overview.

**From:** Bennett, Tate  
**Sent:** Thursday, July 06, 2017 8:59 PM  
**To:** Hanson, Andrew <Hanson.Andrew@epa.gov>  
**Subject:** Fwd: WOTUS letter from Cmsr Pigott (IN)

Need to catch up with you on these! Sorry I missed you today! :(

Begin forwarded message:

**From:** "Barbery, Andrea" <Barbery.Andrea@epa.gov>  
**To:** "Bennett, Tate" <Bennett.Tate@epa.gov>  
**Cc:** "Bowles, Jack" <Bowles.Jack@epa.gov>, "Osinski, Michael" <Osinski.Michael@epa.gov>, "Borum, Denis" <Borum.Denis@epa.gov>, "Hanson, Andrew" <Hanson.Andrew@epa.gov>, "Beckmann, Ronna Erin" <beckmann.ronna@epa.gov>, "Fortin, Denise" <Fortin.Denise@epa.gov>, "Deamer, Eileen" <deamer.eileen@epa.gov>  
**Subject:** WOTUS letter from Cmsr Pigott (IN)

Hi Tate,

Attached and in your inbox is a June 19, 2017 letter from Indiana DEM Commissioner Pigott on WOTUS (AX-17-001-0549).

Thanks,  
Andrea

Ex. 6 - Personal Privacy

-----Original Message-----

**From:** cmsadmin@epa.gov [mailto:cmsadmin@epa.gov]  
**Sent:** Tuesday, June 27, 2017 4:33 PM

To: Eades, Cassaundra <[Eades.Cassaundra@epa.gov](mailto:Eades.Cassaundra@epa.gov)>; Scott, Sonya <[scott.sonya@epa.gov](mailto:scott.sonya@epa.gov)>; Labbe, Ken <[Labbe.Ken@epa.gov](mailto:Labbe.Ken@epa.gov)>; Bowles, Jack <[Bowles.Jack@epa.gov](mailto:Bowles.Jack@epa.gov)>; Wilkes, Quianna <[Wilkes.Quianna@epa.gov](mailto:Wilkes.Quianna@epa.gov)>; Mims, Kathy <[Mims.Kathy@epa.gov](mailto:Mims.Kathy@epa.gov)>; Scales, Wuanisha <[Scales.Wuanisha@epa.gov](mailto:Scales.Wuanisha@epa.gov)>; Tillery, Loreto <[Tillery.Loreto@epa.gov](mailto:Tillery.Loreto@epa.gov)>; Banks, Portia <[Banks.Portia@epa.gov](mailto:Banks.Portia@epa.gov)>; Richardson, RobinH <[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>; Hannon, Arnita <[Hannon.Arnita@epa.gov](mailto:Hannon.Arnita@epa.gov)>; Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)>; Cook-Shyovitz, Becky <[Cook-Shyovitz.Becky@epa.gov](mailto:Cook-Shyovitz.Becky@epa.gov)>; Cheatham-Strickland, Latonia <[Cheatham-Strickland.Latonia@epa.gov](mailto:Cheatham-Strickland.Latonia@epa.gov)>; Nitsch, Chad <[Nitsch.Chad@epa.gov](mailto:Nitsch.Chad@epa.gov)>; Lyons, Troy <[lyons.troy@epa.gov](mailto:lyons.troy@epa.gov)>; Kuhn, Kevin <[Kuhn.Kevin@epa.gov](mailto:Kuhn.Kevin@epa.gov)>  
Subject: CMS New Assignment - Jacqueline Leavy - AX-17-001-0549

Control AX-17-001-0549 has been assigned to your office on 6/27/17 4:33 PM by Jacqueline Leavy. Please go to the CMS webpage to view the details of the control.

Summary Information -

Control Number: AX-17-001-0549

Control Subject: Waters of the United States

From: Pigott, Bruno L.

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS [Information@epa.gov](mailto:Information@epa.gov).

## **WOTUS Commenters as of C.O.B. July 3, 2017**

**At a glance:**    **19 Governors**  
                      **2 Lieutenant Governors**  
                      **20 Attorneys General** (all signed one letter)  
                      **18 Intergovernmental Associations**  
                      **59 cabinet-level state agencies**

### **ALABAMA**

Attorney General Steve Marshall  
Alabama Department of Agriculture

### **ALASKA**

**Governor Bill Walker**  
Attorney General Jahna Lindemuth

### **ARIZONA**

**Governor Doug Ducey**  
Apache County, District 3  
Eastern Arizona Counties Organization  
Gila County Board of Supervisors (Cline)  
Gila County Board of Supervisors (Humphrey)  
Gila County Board of Supervisors (Martin)  
\*\*Gila County Board of Supervisors letter with 3 signatures  
Graham County Board of Supervisors  
Greenlee County Board of Supervisors  
Navajo County Board of Supervisors (Thompson)  
Navajo County Board of Supervisors (Whiting)  
Pima County

### **ARKANSAS**

**Governor Asa Hutchinson**  
Attorney General Leslie Rutledge  
Arkansas Department of Agriculture  
Benton County (judge)  
Boone County (judge)  
Carroll County (judge)

Craighead County (judge)  
Faulkner County (justice of the peace)  
Greene County (judge)  
Hot Spring County (Dist 10 justice)  
Logan County, (Dist 2 & 3 justice)  
Logan County (Dist 5 justice)  
Marion County (judge)  
Mississippi County (judge)  
Newton County (judge)  
Poinsett County (judge)  
Polk County (judge)  
Pope County (Dist 6 & 9 justice)  
Pulaski County (justice)  
Saline County (judge)  
Searcy County (clerk)  
Sebastian County (judge)  
Sebastian County (Dist 10 justice)  
Stone County (Clerk)

## **CALIFORNIA**

Association of California Water Agencies  
California Association of Sanitation Agencies  
California Department of Transportation  
California Storm Water Quality Association  
City of Azusa (city mgr)  
City of Corona (city mgr)  
City of Lake Forest (env. mgr)  
City of Manteca (mayor)  
City of San Juan Capistrano (city mgr)  
City of Santa Ana (engineer)  
Del Norte County Board of Supervisors  
Elsinore Valley Municipal Water District  
La Mesa (Helix) Water District  
Los Angeles County Department of Public Works  
Orange County Public Works  
Riverside County Flood Control District  
Rural County Representatives of California  
San Diego County Water Authority  
San Diego County Planning and Development Services  
San Gabriel Valley Council of Governments  
Sanitation Districts of Los Angeles County  
Santa Fe Irrigation District  
Santa Margarita Water District  
Tuolumne County Board of Supervisors  
Western Municipal Water District

## **COLORADO**

**\*\*Joint letter:** Colorado Department of Agriculture  
Colorado Department of Natural Resources  
Colorado Department of Public Health and Environment  
City of Aurora Water Administration  
Huerfano County Water Conservation District  
Northwest Colorado Council of Governments  
Pitkin County (attorney)

## **CONNECTICUT**

Connecticut Department of Energy and Environmental Protection

## **FLORIDA**

Florida Department of Agriculture and Consumer Services  
Florida Department of Environmental Protection  
Charlotte County Board of Commissioners

## **GEORGIA**

Attorney General Christopher Carr  
Georgia Department of Natural Resources

## **HAWAII**

**Governor David Ige**

## **IDAHO**

**Governor Butch Otter** **\*\*joint letter with**  
Idaho Department of Agriculture  
Idaho Department of Water Resources  
Idaho Association of Counties

## **ILLINOIS**

Illinois Environmental Protection Agency

## **INDIANA**

Attorney General Curtis Hill, Jr.  
Indiana Department of Environmental Management  
Association of Indiana Counties  
County Supervisors Association of Indiana  
Blackford County Surveyors  
Hamilton County Surveyors  
Hancock County Surveyors

## **IOWA**

**Governor Kim Reynolds**      \*\*joint letter with  
Lt. Governor Adam Gregg  
Buchanan County

## **KANSAS**

**Governor Sam Brownback**  
Attorney General Derek Schmidt

## **KENTUCKY**

Attorney General Andy Beshear  
Energy and Environment Cabinet (Secretary)

## **LOUISIANA**

Attorney General Jeff Landry  
Louisiana Department of Environmental Quality (Secretary)  
Jefferson Parish Department of Environmental Affairs

## **MAINE**

**Governor Paul LePage**

## **MASSACHUSETTS**

Massachusetts Department of Environmental Protection

## **MICHIGAN**

Attorney General Bill Schuette

**\*\*Joint letter:** Michigan Department of Agriculture and Rural Development and  
Michigan Department of Environmental Quality

## **MINNESOTA**

**\*\*Joint letter:** Minnesota Department of Natural Resources  
Minnesota Pollution Control Agency

## **MISSISSIPPI**

**Governor Phil Bryant**

Forrest County (supervisor)

## **MISSOURI**

**Governor Eric Greitens** **\*\*joint letter with**  
Missouri Department of Natural Resources  
Attorney General Josh Hawley

## **MONTANA**

Montana Department of Environmental Quality, Department of Natural Resources and Conservation

## **NEBRASKA**

**Governor Pete Ricketts** **\*\*joint letter with**  
Nebraska Department of Agriculture  
Nebraska Department of Environmental Quality  
Nebraska Department of Natural Resources

## **NEVADA**

**Governor Brian Sandoval**

Attorney General Adam Paul Laxalt  
Nevada Division of Environmental Protection  
Nevada Association of Counties  
Clark County Regional Flood Control District



Humboldt River Basin Authority

## **NEW HAMPSHIRE**

**Governor Chris Sununu**

## **NEW MEXICO**

New Mexico Department of Agriculture

## **NEW YORK**

New York State Department of Environmental Conservation

## **NORTH CAROLINA**

Lieutenant Governor Dan Forest

North Carolina Department of Environmental Quality (Secretary)

## **NORTH DAKOTA**

**Governor Doug Burgum**

Attorney General Wayne Stenehjem

## **OHIO**

Attorney General Mike DeWine

Ohio Environmental Protection Agency

Ohio Department of Transportation

Ohio Department of Agriculture

Ohio Department of Natural Resources

## **OKLAHOMA**

Attorney General Mike Hunter

\*\*Joint letter: Commissioner of Agriculture  
Secretary of Energy and Environment  
Secretary of Transportation

## **OREGON**

**\*\*Joint letter**   Oregon Department of Environmental Quality  
Oregon Department of Fish and Wildlife  
Oregon Department of Forestry  
Oregon Department of State Lands

Jackson County Road Department

Yamhill County Commission

## **PENNSYLVANIA**

**\*\*Joint letter:**   Pennsylvania Department of Agriculture  
Pennsylvania Department of Conservation and Natural Resources  
Pennsylvania Department of Environmental Protection  
Pennsylvania Fish and Boat Commission  
Pennsylvania Department of Transportation (nat res. staff)

## **SOUTH CAROLINA**

**Governor Henry McMaster**  
Attorney General Alan Wilson  
Dorchester County Administrator

## **SOUTH DAKOTA**

Attorney General Marty Jackley  
South Dakota Department of Environment and Natural Resources  
Pennington County Board of Commissioners

## **TENNESSEE**

**\*\*Joint letter:**   Tennessee Department of Agriculture and  
Tennessee Department of Environment and Conservation

## **TEXAS**

Attorney General Ken Paxton  
Railroad Commission of Texas (All three commissioners)  
Texas Commission on Environmental Quality  
Texas Department of Agriculture  
Texas Department of Transportation  
Texas General Land Office

## **UTAH**

Attorney General Sean Reyes  
Public Lands Policy Coordination Office (director)  
Duchesne County Commission

## **VIRGINIA**

Commonwealth of Virginia Department of Agriculture and Consumer Services  
Spotsylvania County (engineer)

## **WASHINGTON**

Washington Department of Ecology

## **WEST VIRGINIA**

Attorney General Patrick Morrissey  
West Virginia Department of Environmental Protection

## **WISCONSIN**

Attorney General Brad Schimel  
Wisconsin Department of Natural Resources

## **WYOMING**

### **Governor Matt Mead**

Wyoming Association of Conservation Districts  
Wyoming County Commissioners Association  
Wyoming Department of Environmental Quality  
Wyoming Coalition of Local Governments

## **INTERGOVERNMENTAL ASSOCIATIONS**

**\*Joint Letter from the National Association of Counties, National League of Cities, U.S. Conference of Mayors**

**Association of Clean Water Administrators  
Association of State Floodplain Managers  
Association of State Wetland Managers**

Environmental Council of the States  
National Association of Conservation Districts  
National Association of Clean Water Agencies  
National Association of State Departments of Agriculture  
National Association of Flood and Stormwater Management Agencies  
National Conference of State Legislatures  
National Governors' Association – Gov. Edmund Brown (CA) and Gov. Matt Mead (WY)  
National Municipal Storm Water Alliance  
National Water Resources Association  
New England Interstate Water Pollution Control Commission  
Western Governors' Association – Gov. Steve Bullock (MT) and Gov. Dennis Daugaard (SD)  
Western States Water Council

**\*\*Joint Letter signed by Attorneys General from 20 states**

To: Bennett, Tate[Bennett.Tate@epa.gov]  
From: E&E News  
Sent: Mon 2/12/2018 9:30:58 PM  
Subject: February 12 -- E&E News PM is ready

[Read today's E&E News PM on the web](#)

AN E&E NEWS PUBLICATION

## **E&E NEWS PM — Mon., February 12, 2018**

 [READ FULL EDITION](#)

### **1.ENDANGERED SPECIES:**

#### **Citing climate impact, court restores seal protections**

A federal appeals court today reinstated protections for Arctic ringed seals, dealing a blow to Alaska oil and gas companies that had argued NOAA Fisheries went beyond its authority in taking into account climate change impacts on the species.

### TOP STORIES

#### **2.INTERIOR:**

##### **Reorganization gets funding, new focus in budget**

#### **3.WATER POLICY:**

##### **Trump wants to end EPA dredge-and-fill permitting, vetoes**

#### **4.EPA:**

##### **Strategic plan stresses 'rule of law,' silent on climate**

### THIS AFTERNOON'S STORIES

#### **5.SUPERFUND:**

##### **Okla. auditor: Pruitt 'acted improperly' on Tar Creek audit**

#### **6.AIR POLLUTION:**

##### **Shell agrees to La. plant upgrades, \$350K penalty**

#### **7.COAL ASH:**

##### **Co-op restores missing plan info for Wyo. plant**

### BUDGET

#### **8.OFFSHORE DRILLING:**

##### **'No stomach to mess' with revenue sharing — Zinke**

#### **9.FEDERAL WORKFORCE:**

##### **Unions pledge to fight budget 'onslaught'**

#### **10.INFRASTRUCTURE:**

##### **Inland shippers would face new fees under Trump plan**

#### **11.EPA:**

##### **Trump proposes 25% funding cut for vehicles lab**

#### **12.NOAA:**

##### **President seeks 20% cut, urges return to 'core functions'**

#### **13.STATE DEPARTMENT:**

##### **Blueprint would scrap climate programs, funds**

#### **14.TRANSPORTATION:**

##### **White House plan cuts DOT funding by 19%, chops grants**

#### **15.AGRICULTURE:**

##### **Conservation programs would take big hit in Trump budget**

#### **16.COAL:**

##### **Budget would spare Appalachian Regional Commission**

### UPCOMING HEARINGS AND MARKUPS

#### **17.CALENDAR:**

##### **Activity for February 12 - February 18, 2018**

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**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** POLITICO Pro Energy  
**Sent:** Fri 6/29/2018 9:44:16 AM  
**Subject:** Morning Energy, presented by ExxonMobil: What comes next for FERC? — Perry's New York state of mind — Pruitt meets California official on cars

By Kelsey Tamborrino | 06/29/2018 05:41 AM EDT

*With help from Anthony Adragna*

**PLOT TWIST:** FERC Commissioner Rob Powelson shocked the energy world Thursday night when he announced he will leave the agency to lead a trade association for water utilities. Powelson, a Republican appointed by President Donald Trump, was one of the agency's fiercest critics of the administration's efforts to bail out struggling coal and nuclear power plants, but he told Pro's Darius Dixon that policy disagreements had nothing to do with his decision. He said he simply couldn't pass up the once-in-a-lifetime opportunity to take a great job as CEO of the National Association of Water Companies that would allow him to nix the commute to Washington from his home near Philadelphia.

**There is no "subplot to this,"** Powelson said, adding it was a decision he made with his family. "I'm at peace. I know people want to be like, 'Argh, he got forced out! He pissed off the president or Rick Perry.' I'm free to speak my mind now more than ever. And as a Philly boy, I will let it fly," he said. "No one came at me and said, 'You need to move on. You know if that would ever happen, I would never do it anyway. ... If I was done wrong, I'd tell you about it. But life is better than I deserve it to be."

**His departure will leave FERC deadlocked,** and likely unable to approve new interstate natural gas pipelines over Democratic objections related to issues like climate change. Powelson was a critic against the administration's coal and nuclear bailout pitch, telling a Senate committee earlier this month that a bailout "goes against everything we talk about in terms of supply-and-demand side economics."

**Now Trump has a chance to nominate** a new commissioner who is friendlier to his pro-coal policies. Still, that person will require Senate confirmation with a tough calendar ahead. Keep in mind, the Senate is racing toward midterm elections, August recess and now a new Supreme Court confirmation — making a speedy confirmation for a FERC nominee all the more unlikely. Read more.

**NEW YORK STATE OF MIND:** Energy Secretary Rick Perry offered some harsh words Thursday for the state of New York energy, suggesting the federal government should consider preventing the state from blocking new natural gas pipelines. "I think we need to have a conversation as a country, is that a national security issue that outweighs political concerns in Albany, New York?" Perry said, referring to the administration's central national security argument behind efforts to bail out economically struggling coal and nuclear power plants.

**Perry has criticized New York Gov. Andrew Cuomo** for years, but didn't mention him by name in his remarks at the World Gas Conference. Perry said political opposition to new gas

infrastructure had left the state vulnerable, including to major winter storms and cyberattacks. "And people literally have to start making the decision about 'Do I keep my family warm? Do I keep the lights on?' Does the financial center of New York go dark? Do the hospitals shut down?" he said. Read [more](#) from Pro's Matt Daily.

**FINALLY FRIDAY!** I'm your host, Kelsey Tamborrino. PECO's Tom Bonner correctly identified the three current governors born in Pennsylvania: John Kasich, John Hickenlooper and Tom Wolf. A geography question to close out the week: What state has a triple divide that allows water to flow to the Pacific Ocean, Atlantic Ocean or the Hudson Bay? Send your tips, energy gossip and comments to [ktamborrino@politico.com](mailto:ktamborrino@politico.com), or follow us on Twitter [@kelseytam](#), [@Morning\\_Energy](#) and [@POLITICOPro](#).

**PRUITT MEETS CALIFORNIA OFFICIAL ON CARS:** EPA Administrator Scott Pruitt will meet with California's top air regulator this morning in San Francisco, the agency said. Pruitt and Mary Nichols, the head of the California Air Resources Board, will discuss various issues including "cooperative federalism, car and truck greenhouse gas standards, and NAAQS," according to EPA. The Trump administration is weighing action on car emissions standards that could spark a court showdown with California, as it currently has authority to set its own greenhouse gas limits on tailpipe emissions. The last time EPA met with CARB officials, the agency called it a "productive" meeting, although Nichols [took to Twitter](#) shortly after to dispute that characterization.

**\*\* Presented by ExxonMobil:** Natural gas has become more important than ever. That's because it's fueling an American manufacturing revival and creating jobs while lowering emissions. And ExxonMobil is one of the world's largest providers. [EnergyFactor.com](#) \*\*

**ZINKE TAKES HIS TURN:** Kicking off the final day of the weeklong World Gas Conference, Interior Secretary Ryan Zinke will deliver opening remarks at a panel on innovation in the energy industry that's set to answer questions like, "How can innovative technologies, business models and operating practices shape the future of the global natural gas industry?"

**Later in the day,** EPA's air chief, Bill Wehrum, will join a workshop on the "role of voluntary action in methane management" — an interesting discussion as greens have pointed fingers at the agency after [a report](#) released last week found oil and gas methane emissions are greater than previously thought. Former Energy Secretary Ernest Moniz will close out the conference with remarks about "energy systems of the future."

**FOR YOUR RADAR:** Zinke met with a "good mix" of electricity, oil and gas leaders Thursday afternoon for a roundtable discussion, an industry source who attended the meeting told ME. About 40 or more people attended the meeting with Zinke, the source added, which ranged from discussions on streamlining the permitting process to federal lands. The meeting follows a [similar one](#) in May between Zinke and several conservation groups.

**INTERESTING TEAM:** Reps. [Kyrsten Sinema](#), a Democrat running for Senate in Arizona, and [Steve Stivers](#), the chairman of the National Republican Congressional Committee, released [legislation](#) Thursday that would require political appointees to personally pay back any illegal



expenditures of public funds. No one is singled out, but Pruitt's \$43,000 privacy booth would certainly fit the bill. To qualify for repayment under the bill, the spending must be found illegal through a joint determination from an inspector general and the Government Accountability Office. Reps. Brian Fitzpatrick, Josh Gottheimer, Carlos Curbelo and David Young co-sponsored the legislation.

**TIMING UPDATE:** A House Oversight Committee aide tells ME that staff expect to speak with Kevin Chmielewski, the former Trump EPA political staffer-turned-whistleblower, "within the next couple of weeks." They'll interview current chief of staff Ryan Jackson today, according to the aide. Pro's Anthony Adragna reported committee staff also interviewed policy adviser Samantha Dravis on Thursday.

**INDIAN AFFAIRS NOM CONFIRMED:** The Senate confirmed Tara Sweeney to be assistant secretary for Indian Affairs at Interior on Thursday by a voice vote. Sweeney, who previously served as executive vice president of external affairs for Arctic Slope Regional Corporation, was nominated back in October, and was advocated for by Senate Energy Chairman Lisa Murkowski. Sweeney was welcomed in a tweet by Zinke, who said he was "excited" for her arrival. "She is the first Alaska Native woman to hold the position," he tweeted. "A historic day for Alaska and America!"

**IG RELEASES SUMMARY ON NPS ALLEGATION:** Interior's inspector general released a brief summary of its investigation into allegations made against National Park Service Deputy Director P. Daniel Smith. An anonymous employee earlier this year said Smith made an obscene gesture and used vulgar language while standing in the hallway of the agency's headquarters, which prompted OIG to launch an investigation in May. The summary stopped short of condemning Smith, and cites a retelling by Smith and another NPS employee, who denied that Smith touched himself obscenely or used any vulgar language. The OIG said it could not find anyone else who witnessed the incident.

**Smith, however, "acknowledged he gestured** with his hands to simulate urinating while telling a story and stated that in hindsight, the story and the gesture were not appropriate for work," according to the summary. "The other employee said he was not offended by the story or the gesture but also acknowledged that they were inappropriate for the workplace."

**THIS LAND IS OUR LAND:** Montana Sen. Jon Tester is out with a new statewide ad promoting his stance on public lands, Campaign Pro's Zach Montellaro reports. The ad features a video of Tester speaking about his roots. "My family has made a living off the land in Montana for over 100 years," Tester says, adding, "As long as I'm in the U.S. Senate, Montana is not for sale." Watch the ad.

**GAO: DOE SHOULD IMPROVE SPR OVERSIGHT:** The Government Accountability Office released a report Thursday that offers several ways for DOE to modernize the Strategic Petroleum Reserve. The report found DOE had not identified the optimal size of the reserve, and said the last review conducted by the department "was limited in several ways." GAO made several recommendations, including a suggestion that Congress "may wish to consider setting a long-range target for the size and configuration of the SPR," taking into account issues like

future oil production projections and U.S. International Energy Agency obligations.

**"By not examining a full range of options,** DOE risks missing beneficial ways to modernize the SPR while saving taxpayer resources," according to the GAO report, which was requested by the House Energy and Commerce Committee. "We will give GAO's recommendations careful consideration as the committee considers legislative options to address the concerns raised by this report," a joint statement from the E&C energy subcommittee's leadership said.

**REPORT: MORE CAN BE DONE TO FIGHT BLACK LUNG:** Although cases of black lung disease has declined in miners in most areas, excluding Appalachia, a new report from the National Academies of Sciences, Engineering, and Medicine says a "fundamental shift" is required in the way operators approach exposure control in order to eliminate the disease. The report found operators are complying with regulatory requirements, but the basis of such requirements could improve by recommending improvements to current monitoring technologies, as well as building out the research currently being done, among other guidance. Read the report.

**AGs JOIN EPA SCIENCE PANEL SUIT:** Attorneys general from nine states filed an amicus brief this week in support of the plaintiffs suing over EPA's policy barring scientists who receive agency grants from serving on its scientific advisory committees. "The advisory committee Directive has already caused dozens of uniquely qualified scientists to be removed from their posts on EPA advisory boards and committees, while leaving in place (and even increasing) persons affiliated with regulated industries," the brief states. AGs from Washington, California, Illinois, Iowa, Maryland, Massachusetts, New Jersey, New York and Oregon, and the Pennsylvania Department of Environmental Protection joined the filing.

**MAIL CALL! RECONSIDER THIS:** A bipartisan and bicameral group of lawmakers is calling on Perry to reconsider DOE's move to have power marketing administrations report directly to the assistant secretary for electricity instead of the deputy secretary, as has been tradition. "We are concerned that these changes could lead to decisions that are not in the best interest of Pacific Northwest ratepayers," they write.

**A TIMELINE EMERGES:** The White House is hoping to select a Supreme Court nominee before Trump leaves for his European trip on July 10, POLITICO's Nancy Cook reports. Whomever Trump nominates will likely get a confirmation vote after Labor Day, Senate Majority Whip John Cornyn said Thursday, telling POLITICO's Elana Schor he'd be "shocked" if the vote occurred before then. Cornyn, however, added he is "not opposed" to moving more quickly but said the process to confirm a nominee (i.e., background checks) would take quite a bit of time.

**SENATE PASSES FARM BILL:** The Senate Thursday passed a farm bill, H.R. 2 (115), which includes a provision reauthorizing the National Flood Insurance Program. But with the NFIP expiring on July 31, senators are looking at other vehicles to attach a short-term extension, Pro's Zachary Warmbrodt reports.

**MINN. PUC APPROVES LINE 3:** The Minnesota Public Utilities Commission approved

Enbridge's proposed Line 3 tar sands pipeline on Thursday in a unanimous 5-0 vote, MPR News reports. The decision came with several conditions, the website writes, "including a decommissioning trust fund to ensure the new pipeline will be retired responsibly decades from now." Green groups have urged the PUC to reject the pipeline, especially following a 2010 Enbridge pipeline spill in Kalamazoo, Mich. Read [more](#).

**VISUALIZE IT:** JUST Capital, a nonprofit business tracking group, will release today its new "Environmental Explorer" interactive tool, which allows users to explore companies based on their environmental impact, including recycling, waste management and electricity use. See it [here](#).

## QUICK HITS

- Sources: India preparing for cut in oil imports from Iran, [Reuters](#).
- "Pope to huddle with environmental leaders, activists," [Axios](#).
- "Gas Natural Fenosa becomes Naturgy," [LNG World News](#).
- "One casualty of Trump's tough Iran stance? U.S. pump prices," [Bloomberg](#).
- "U.S. sues Mount Vernon, alleging Clean Water Act violations," [Associated Press](#).

## HAPPENING TODAY

10 a.m. — Wilson Center [forum](#) on "National Guard Interests in the Arctic: Arctic and Extreme Cold Weather Capability," 1300 Pennsylvania Ave NW.

10 a.m. — The National Academy of Sciences [meeting](#) of the Committee on Offshore Science and Assessment, 2101 Constitution Avenue NW.

12 p.m. — The Federalist Society [teleforum](#) on "EPA's CAFE: What's on the Menu for Fuel Economy and Greenhouse Gas Standards?"

## THAT'S ALL FOR ME!

**\*\* Presented by ExxonMobil:** Energy is fundamental to modern life and drives economic prosperity - in small communities across America and around the world. We need a range of solutions to meet growing energy demand while reducing emissions to address the risk of climate change. Visit the Energy Factor to learn more about some of the bold ideas and next-generation technologies we're working on to meet this challenge: [EnergyFactor.com](#) \*\*

*To view online:*

<https://subscriber.politicopro.com/newsletters/morning-energy/2018/06/what-comes-next-for-ferc-267420>

## Stories from POLITICO Pro

### **GOP FERC commissioner slams latest bailout pitch** [Back](#)

By Darius Dixon | 06/12/2018 03:17 PM EDT

Republican Commissioner Rob Powelson positioned himself Tuesday as FERC's leading critic of the Trump administration's call to rescue financially struggling coal and nuclear plants, panning the latest approach floated by the White House.

Letting the Energy Department prop up money-losing power plants in the name of national security is not necessary to maintain a resilient electric grid, Powelson said at a Senate Energy and Natural Resources Committee hearing with all five FERC commissioners. A former chairman of the Pennsylvania Public Utility Commission, Powelson said electric service was not disrupted by power company bankruptcies during his time as a state regulator.

"These markets are operating hyper-efficiently," he said. "Now, we're seeing the best of all worlds: New resources, cleaner resources, more efficient resources coming in the marketplace. The markets are creating orderly entry and exit, and to put someone's risk capital at play I have grave concerns about that."

The idea of a government bailout "goes against everything we talk about in terms of supply-and-demand side economics," Powelson added.

DOE is pondering the use of the Federal Power Act and the Defense Production Act to force coal and nuclear power plants to keep operating in the face of overwhelming competition from cheap natural gas and growing renewable power that has pushed big power units into retirement. A memo that circulated at the National Security Council earlier this month cited possible attacks on natural gas pipelines among the justifications for DOE's latest national security approach.

Speaking to reporters after the hearing, Powelson acknowledged that national security "should be part of the conversation," but he seemed skeptical of the administration's shifting justifications for a bailout.

"All of a sudden we have a national conversation that went from potential reliability issues, now to national security issues," he said, referring to DOE's ill-fated effort last year to push for payments to power plants with 90 days of fuel on-site, an earlier tactic aimed at supporting coal and nuclear power. "I struggle with the original posture of saying the FERC's not doing enough. I categorically disagree."

Chairman Kevin McIntyre acknowledged that Energy Secretary Rick Perry has the authority to declare a grid emergency that could require retiring power plants to keep operating, but he did not offer any opinion on the merits of such an approach.

Democratic FERC Commissioner Richard Glick, who once worked for former Energy Secretary Bill Richardson, said the agency has not built up a solid record for declaring a national

emergency.

At the end of the Clinton administration, the Western energy crisis was still unfolding and Richardson invoked the emergency powers in the Federal Power Act and made use of the Defense Production Act to force the sale of natural gas supplies into the region because a defense facility was impacted, he said.

"We created a record. We have a record that it truly was an emergency," Glick said. "In this case, I think what we're trying to get a solution before we actually build a record suggesting that there's actually an emergency."

FERC Commissioner Neil Chatterjee, a former aide to Senate Majority Leader [Mitch McConnell](#), tried not to dismiss DOE's proposal out of hand.

"It's a leaked memo. We don't know what the administration intends to do with it. But I think people are also too quickly dismissing it," Chatterjee said. "I've read the memo. There are a number of points in the memo that are thoroughly well-cited and researched and I think we can disagree what the remedy might be but I think they raise a real issue."

On Monday, Chatterjee and Glick penned an editorial that called for setting up a regiment of mandatory standards for natural gas pipeline, the infrastructure that DOE argues poses a risk to national security.

Senate Energy and Natural Resources Chairwoman [Lisa Murkowski](#) told regulators that she's been frustrated with FERC's pace of addressing market concerns and argued that that may have egged DOE on to jump into the power markets.

"I have my concerns with the steps that the Department of Energy is reported to be considering. But I also recognize that they're trying to fill a perceived vacuum," the Alaska Republican said at Tuesday's hearing.

"In my view, FERC should be pointing the way on policy improvement that address grid vulnerabilities while reaffirming our commitment to competition in wholesale power markets," she said. "And frankly, as one who has been concerned about this issue for years now, I find it unfortunate that prior commissions did not lead more effectively."

*To view online [click here](#).*

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**Powelson: No 'subplot' to surprise FERC exit** [Back](#)

By Darius Dixon | 06/28/2018 08:20 PM EDT

FERC Commissioner Rob Powelson says his surprise decision to resign after just one year at the

commission had nothing to do with his frequent objections to one of the Trump administration's main energy policy goals.

The Republican former state regulator has been one of the most vocal critics of the Energy Department's efforts to rescue economically struggling coal and nuclear power plants, but he said that position was not a factor in his decision to leave the commission. In mid-August, Powelson will take over as CEO of the National Association of Water Companies. He simply jumped at a once-in-a-lifetime opportunity to take a great job that would allow him to avoid commuting to Washington from his home near Philadelphia.

There is no "subplot to this," he told POLITICO on Thursday, saying it was a decision he made with his family.

"I'm at peace. I know people want to be like, 'Argh, he got forced out! He pissed off the president or Rick Perry.' I'm free to speak my mind now more than ever. And as a Philly boy, I will let it fly," he said in a phone interview after announcing his plan to resign.

"No one came at me and said, 'You need to move on,'" he added. "You know if that would ever happen, I would never do it anyway. ... If I was done wrong, I'd tell you about it. But life is better than I deserve it to be."

Powelson's departure could also leave FERC's four remaining commissioners unable to approve new interstate natural gas pipelines over Democratic objections related to climate change or the agency's overall process for assessing the need for those projects. A former chairman of the Pennsylvania Public Utility Commission, Powelson also was one of the strongest advocates for state regulators, especially in PJM — the regional grid that would be most affected by the Trump administration's coal-boosting efforts.

Leaving in August means that Powelson will have served on the commission for just one year of a term that was scheduled to run through mid-2020, making his the shortest tenure in agency history since the 1960s, when FERC was still the Federal Power Commission. It also gives President Donald Trump an opportunity to replace Powelson with a regulator who is friendlier to his pro-coal policies.

Powelson said he didn't expect to be at FERC for such a short time, but felt he couldn't pass up the job offer, especially after the National Association of Water Companies told him it was planning to move its headquarters from Washington to Philadelphia. He has two sons, a rising seventh-grader and a rising 10th-grader, and said that his job change was in part a decision between career moves and an opportunity to be closer to family.

"I had every intention to stay longer. But honestly, I served eight and a half years on the Pennsylvania commission. I love this place. The people are great [at FERC]," he said. "But for me to say no — that opportunity is not coming around again, and I knew that. There was just too much alignment for me not to take it."

The outgoing commissioner also said that he didn't pine for the FERC chairmanship, noting that

few people run a state commission as well as FERC like Texas' Pat Wood did.

"I looked at Chairman [Kevin] McIntyre's desk the other day and I don't miss the piles of paper on my desk. I'm perfectly at peace. I was honored to be a commissioner. It's a stressful job to be a chairman and you're running the agency," he said.

"I've done the chairmanship duty [in Pennsylvania] and I'm perfectly at peace with that," he said. With emphasis and a chuckle, Powelson added: "Perfectly at peace, trust me."

He said he told all the commission leadership colleagues about his plans face to face, and sent an all-hands email to FERC staff Thursday.

Powelson warned that he's excited to talk about "water resiliency" and the "water grid" in a post-Flint, Mich., world that is also looking at the energy-water nexus. The association represents water and wastewater utilities such as American Water and Aqua America, among other companies.

"Now I get to be a pain in the ass on water policy," he said.

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## **Rick Perry takes aim at New York [Back](#)**

By James Hohmann | 06/19/2013 05:01 AM EDT

Rick Perry stars in an ad out Wednesday that coincides with his swing across the Northeast to lure jobs to Texas.

The one-minute, campaign-style video — shared first with POLITICO — attacks New York, where the governor is spending the day, as a high-tax, high-regulation state. ( [Watch the ad](#).)

New York Mayor Michael Bloomberg's ban on large sodas is referenced, and New York Gov. Andrew Cuomo is mentioned by name in the first 30 seconds, which plays out like an attack ad.

The second half turns triumphal, with feel-good music and B-roll of Texas skylines.

"Why have more jobs and businesses moved to Texas than any other state? Our state is No. 1 for business because we have no state income tax," Perry says, "and [Texas] has added more jobs than any state in the nation over the last five years."

The Republican governor, who many believe could run for president again in 2016, notes that Texas was just ranked No. 1 as a place to do business for the ninth straight year by Chief Executive Magazine.

"If you're tired of the same old recipe — of over-taxation, over-regulation and frivolous litigation — get out before you go broke," Perry says, with the state capitol in Austin as a backdrop. "Texas is calling. Your opportunity awaits."

As Perry speaks, messages on screen declare: "Bigger opportunities. Bigger Dreams. A Bigger Future. Go Big With Texas."

Perry is in Connecticut and New York for five days. He has courted, among others, gun manufacturers facing stricter laws in the wake of the Newtown shootings.

This is the latest salvo in an aggressive campaign to attract businesses and raise the state's profile that has already sent Perry to Illinois and California.

The video appears on the Web site of "Texas Wide Open for Business," which is part of the Economic Development Division within the governor's office.

TexasOne, a privately funded entity, launched a \$1 million radio and TV campaign in Connecticut and New York last week. They are also paying for the governor's trip.

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**Perry warns of looming New York energy 'reckoning'** [Back](#)

By Matt Daily | 06/28/2018 04:57 PM EDT

Energy Secretary Rick Perry today suggested that the federal government should consider preventing New York state from blocking new natural gas pipelines, echoing the national security argument he has put behind his efforts to bail out struggling coal and nuclear power plants.

Perry, who has criticized New York Gov. Andrew Cuomo for years, didn't mention the Democratic governor by name, but said political opposition to new gas infrastructure had left the state vulnerable to potential devastating power outages.

"I think we need to have a conversation as a country, is that a national security issue that outweighs political concerns in Albany, New York?" he said.

New York has blocked the expansion of the Constitution Pipeline by denying the project the water permits it needs to extend the pipeline that would carry gas from Pennsylvania.

Perry laid out a scenario to an audience at the World Gas Conference where a major winter storm and cyberattack on the power grid hit the state at the same time.



"And people literally have to start making the decision about 'Do I keep my family warm? Do I keep the lights on?' Does the financial center of New York go dark? Do the hospitals shut down?" he said.

"At that particular point in time, the political leadership of that state that is keeping pipelines from being built — for strictly political purposes — are going to have real reckoning. I wouldn't want to be the governor of that state faced with that situation," he said.

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### **Watchdog reports provide new ammo for Pruitt's critics** [Back](#)

By Alex Guillén and Anthony Adragna | 04/16/2018 12:28 PM EDT

Critics of Scott Pruitt got fresh ammunition against the embattled EPA administrator on Monday, with two federal reports revealing that EPA had broken the law in building him a secure phone booth and that the agency had granted previously undisclosed pay raises of more than 20 percent to his political appointees.

EPA failed to notify lawmakers that it spent more than \$43,000 to build a secure phone booth for Pruitt's office, according to a report from the Government Accountability Office on Monday morning. A few hours later, EPA's inspector general detailed the steep pay hikes — but did offer some support for Pruitt's claim that he had been unaware of controversial raises at the agency, though the internal watchdog stressed its investigation is ongoing.

Pruitt has drawn criticism that he has spent excessively on heightened security since he joined the agency last year. While Monday's GAO report focuses on the phone booth, Pruitt has also expanded his security staff to provide round-the-clock protection and spent heavily on first-class travel for himself and his security personnel to limit his exposure to potential threats from fellow passengers. He also faces questions over his use of special hiring authority to hire former lobbyists and political allies, but the IG's initial findings do not include evidence that he personally circumvented the White House in order to boost their pay, despite earlier reports.

Construction of the phone booth violated the Financial Services and General Government Appropriations Act since it cost well above the \$5,000 limit that requires the agency to notify Congress, according to the GAO.

"We conclude that EPA violated section 710 when it obligated \$43,238.68 for the installation of a soundproof privacy booth without providing advance notice to the Committees on Appropriations of the House of Representatives and the Senate," the GAO report said.

EPA defended the booth as necessary to Pruitt's work, arguing that it was similar to a computer

or other equipment he uses. But GAO said the booth is clearly a "furnishment" under the law and thus should have been reported to Congress in advance. EPA did not say whether the phone booth had been certified as a Sensitive Compartmented Information Facility, or SCIF.

"This is just one more example of how Scott Pruitt is blatantly breaking laws and ethics rules that protect taxpayers from government waste, fraud and abuse in order to help himself to perks and special favors — and taking deliberate steps to hide everything from Congress and taxpayers," Sen. Tom Udall (D-N.M.) said in a statement to POLITICO.

Critics wondered why Pruitt needed a place to make secure phone calls in his office since the agency already had two SCIFs in its headquarters. Those SCIFs are located outside of Pruitt's secure suite of offices, however.

The GAO report specifically steered clear of judging whether installing the booth was the best or only way to provide Pruitt with a secure phone line.

An EPA spokeswoman defended Pruitt's need for the booth but acknowledged that Congress had not been informed ahead of time.

"EPA is addressing GAO's concern, with regard to Congressional notification about this expense, and will be sending Congress the necessary information this week," spokeswoman Liz Bowman said in a statement.

Sen. John Barrasso (R-Wyo.), who chairs the Environment and Public Works Committee, said he wants to hear more from EPA about why it did not properly inform Congress.

"It is critical that EPA and all federal agencies comply with notification requirements to Congress before spending tax payer dollars. EPA must give a full public accounting of this expenditure and explain why the agency thinks it was complying with the law," he said.

GAO is also reviewing Pruitt's appearance in a cattle industry video that asked for public comments on Pruitt's plan to repeal the Waters of the U.S. rule. Democrats similarly alleged his actions violated the Antideficiency Act.

Separately, EPA's inspector general released a [preliminary report](#) on its investigation into several political appointees who were hired or promoted under special authority given to Pruitt through the Safe Drinking Water Act.

The report shows a handful of political appointees at EPA saw their salaries boosted by 20 percent or more in their first year at the agency — in some cases over objections from the White House. But Pruitt did not personally sign off on the most controversial raises, leaving open the question of how involved he was in the decision. The IG said the interim report was meant to "provide certain factual information" and "does not present any conclusions or recommendations."

None of the EPA staffers were named in the report, but the salary and other information provided

aligns with names included in previously released employment documents reviewed by POLITICO.

The IG's report shows Sarah Greenwalt, senior counsel to Pruitt, received a \$56,765 raise on April 1, while Millan Hupp, director of scheduling and advance, received a \$28,130 raise the same day. Those figures are in line with [The Atlantic's](#) report that EPA circumvented the White House to boost their pay.

Chief of staff Ryan Jackson signed forms authorizing both of those pay increases, each time writing "Ryan Jackson for Scott Pruitt," according to documents included with the IG report. Jackson had said last week that he approved the raises.

EPA said those raises have been reversed, but the IG was unable to back up that claim. "We requested from the agency any documentation indicating modifications to the salary of any of the employees subsequent to the personnel actions noted above. As of report issuance, the agency was unable to provide us with complete information or confirmation of any modifications," according to the report.

The IG's office also uncovered several previously unreported raises, some of which were granted using the drinking water authority and others achieved by changing the employees' job classifications.

In mid-February, Forrest McMurray, an advance staffer from Oklahoma and, like Hupp, a relatively recent college graduate, saw his salary increase 25 percent through the same SDWA process that was later applied to Greenwalt and Hupp. ([Bloomberg News](#) had initially reported on Monday that the third raise granted via that process was to Samantha Dravis, the association administrator running the Office of Policy. But the third salary increase corresponds with McMurray's employment information, and Bloomberg removed Dravis' name from an updated version of its article.)

A fourth aide, speechwriter Lincoln Ferguson, received 25 percent pay increase last September after receiving a renewed position with the SDWA authority. Ferguson worked for Pruitt when he was Oklahoma attorney general.

Pruitt signed off on the raise for Ferguson, but not McMurray, according to the IG report.

Two other political appointees — Liz Bowman, the associate administrator for the Office of Public Affairs, and Kevin Chmielewski, the advance staffer who last week made allegations about mismanagement and wrongdoing at EPA to both Democrats and Republicans — appear to have received raises of more than 20 percent last summer when their employment classification was increased. Chmielewski departed the agency in mid-February.

Brittany Bolen, the senior deputy associate administrator in the Office of Policy, had received a 1.6 percent raise last summer when she underwent the same increase in classification.

The IG report was part of a larger investigation into EPA's use of a special hiring authority under

the SDWA, which allows Pruitt to hire up to 30 staffers without having to go through normal hiring procedures or subjecting the staffers to the Trump administration's ethics pledge.

The SDWA authority was intended to allow EPA to bring on board engineers or scientists with subject matter expertise. Democratic critics alleged that Pruitt used it to get key political appointees in place quickly or to bypass ethics issues, and asked for the IG to review the matter. But EPA has dismissed those criticisms.

"Salary determinations for appointees are made by EPA's chief of staff, White House liaison, and career human resources officials. Salaries are based on work history; and, any increases are due to either new and additional responsibilities or promotions," EPA spokesman Jahan Wilcox said.

Records released last summer by EPA show that a dozen EPA political staffers were working in "administratively determined" positions as of mid-July 2017, while another 22 had been converted to permanent political appointees or left the agency.

Among those still working under the special hiring authority at that time were Nancy Beck, the deputy for EPA's chemicals office; Byron Brown, Pruitt's deputy chief of staff; air adviser Mandy Gunasekara; and a number of public affairs officials, including Michael Abboud, James Hewitt, Ferguson and Wilcox. Their status may have changed since.

The IG's audit of EPA's use of the hiring authority will continue, with a final report expected at a later date.

*Emily Holden contributed to this report.*

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**Oversight will interview two more Pruitt aides this week** [Back](#)

By Anthony Adragna | 06/28/2018 02:47 PM EDT

House Oversight Committee staff are interviewing former EPA policy adviser Samantha Dravis today as they continue their probe into allegations of lavish spending and unethical behavior by Administrator Scott Pruitt, a committee aide confirmed.

In addition, staff plan to interview Pruitt's chief of staff Ryan Jackson on Friday, the aide said.

Dravis and Jackson's interviews come after the committee already spoke with multiple other members of Pruitt's inner circle: former security chief Pasquale "Nino" Perrotta, scheduler Millan Hupp and senior EPA counsel Sarah Greenwalt.

Chairman [Trey Gowdy](#) (R-S.C.) had also [requested](#) an interview with former deputy chief of

staff turned whistleblower Kevin Chmielewski by June 22, but it's not immediately clear when that interview will occur.

The latest interviews were first reported by [E&E News](#).

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Dravis and Jackson's interviews come after the committee already spoke with multiple other members of Pruitt's inner circle: former security chief Pasquale "Nino" Perrotta, scheduler Millan Hupp and senior EPA counsel Sarah Greenwalt.

Chairman [Trey Gowdy](#) (R-S.C.) had also [requested](#) an interview with former deputy chief of staff turned whistleblower Kevin Chmielewski by June 22, but it's not immediately clear when that interview will occur.

The latest interviews were first reported by [E&E News](#).

*To view online [click here](#).*

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## **Tester launches new TV ad on public lands** [Back](#)

By Zach Montellaro | 06/28/2018 02:43 PM EDT

Sen. [Jon Tester](#) (D-Mont.) launched a new statewide ad called "Not for Sale," touting his stance on public lands and featuring video of Tester speaking with hunters and fishermen.

The [positive ad](#) opens with the senator talking about his family's roots in the state — "My family has made a living off the land in Montana for over 100 years," Tester says — and features a Montanan praising him, saying "he understands the importance of public lands to Montanans and his values are our values."

"As long as I'm in the U.S. Senate, Montana is not for sale," Tester says at the end of the ad.

Tester is facing Republican state Auditor Matt Rosendale in November.

*To view online [click here](#).*

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## **White House wants Trump to nominate a justice before Putin trip** [Back](#)

By Nancy Cook | 06/28/2018 05:07 PM EDT

The White House hopes to have a Supreme Court nominee chosen by the time President Donald Trump leaves for his European trip on July 10, according to one Republican close to the White House and one person involved with the judicial selection process.

The White House is expected to start interviewing candidates early next week, with the White House's top attorney, Don McGahn, leading that process. The goal is to hold confirmation hearings in August or September, so that any confirmed justice can join the court in early October, before the next term.

Top contenders include Raymond Kethledge, Thomas Hardiman, Amy Coney Barrett, Brett Kavanaugh, and Amul Thapar — though the person involved with the process stressed that other potential nominees from Trump's list of judges could also get a "hard look."

Trump and a cadre of yet-to-be-determined senior administration officials are expected to interview a handful of finalists, similar to how the White House handled the selection of Trump's first Supreme Court pick, Neil Gorsuch.

"The administration has already been through this once, so that really helps a lot. There is already a system in place," said the person involved with the process.

Several outside groups including the Koch-backed Americans for Prosperity and Judicial Crisis Network are expected to help to push the Republican nomination, especially once Trump announces his nominee.

The Judicial Crisis Network spent more than \$10 million to support the Gorsuch confirmation, and JCN chief counsel Carrie Severino predicted the group's spending would exceed that figure this time around. With Democrats aiming to persuade moderate Republicans to block a nominee, she added, "this nomination will be more contentious."

But after months of the president dividing his party over thorny issues like immigration and trade, the Kennedy retirement offers a unique opportunity to motivate Trump's base and, potentially, to mobilize voters frustrated with Trump to turn out the GOP in the midterm

elections anyway.

"Republicans have been looking for an issue to ensure their base turns out in November, and I think we've found it with the Supreme Court pick," said Andy Surabian, a Republican strategist and former special assistant to the president and White House deputy strategist in the Trump administration. "I know the pick will happen before the elections, but messaging-wise, I don't think you can have a better one than: 'Do you want the party of Maxine Waters deciding the fate of the Supreme Court?'"

The president seemed ecstatic about the open seat during a Wednesday evening rally in North Dakota. There, he pledged to select a judge who could serve for 40 to 45 years before doing his best to give supporters a sense of urgency about the need for continued Republican control Congress.

"Justice Kennedy's retirement makes the issue of Senate control the vital issue of our time," Trump said. "It's one of most important things we can do.

This opening gives the White House a chance to energize its base for an election many had expected to favor the Democrats. And it calms some tension inside the administration about what messages Republicans should emphasize in the midterms — the tax bill, economy, work on opioid addiction and drug prices, or hard-line immigration policies.

"It's the policy issue of Supreme Court nominations, not tax cuts, that truly unites the Republican Party, as evident by President Trump's debate answer on this topic that fueled his home-stretch spring in 2016," said Jason Miller, a former top aide to Trump during the campaign and transition.

In recent weeks, Republicans have been split apart by the questions of potential tariffs or hard-line immigration moves. While tariffs and a border wall fire up Trump's base of white, working-class voters, those issues have not resonated as well within the business, donor, or establishment Republican community.

Republican leadership on the Hill had hoped that in 2018 Trump's midterm message would focus primarily on the healthy state of the economy and the Republican tax bill of 2017, yet the president himself has had trouble sticking to that message at several recent rallies.

Yet a Supreme Court nomination — which ultimately could affect health care, abortion rights, affirmative action, freedom of religion and speech, guns rights, and corporate regulations - brings together the disparate coalitions of the Republican Party.

Already the anti-abortion group, SBA List, has volunteers on the ground in Ohio, Florida and Indiana going door-to-door to try to woo female voters, Hispanics, and Democrats to support anti-abortion legislation. They just hired field staff to allow them to expand the operation into North Dakota and West Virginia, home states of two vulnerable Senate Democrats, Heidi Heitkamp and Joe Manchin, respectively.

"The Senate is where Supreme Court picks are confirmed. That is one of our driving reasons for engaging at this level," said Mallory Quigley, a spokesperson for SBA List.

On Thursday night, Trump met with a group of bipartisan senators, including Democrats Heitkamp, Manchin and Joe Donnelly and moderate Republicans Susan Collins and Lisa Murkowski, to discuss the Supreme Court vacancy.

Just as they hope to unite conservatives, Republicans are hoping the issue divides Democrats. Already the White House is eyeing the 10 Democratic senators up for reelection this fall in states that Trump overwhelmingly won in 2016 — and hoping to pressure them into supporting the nominee.

The greatest hope of Trump advisers is that a Supreme Court pick will dominate the news so much that it will not allow Democrats to talk about their vision for health care or the economy or taxes — or to present any positive, forward-looking message.

"There will be no Democratic messaging on jobs, the economy or health care that cuts through, as many will be focused on hypothetical culture wars that make suburban swing voters uneasy," Miller said.

*Eliana Johnson contributed to this report.*

*To view online [click here](#).*

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## **Cornyn: Supreme Court confirmation vote likely after Labor Day [Back](#)**

By Elana Schor | 06/28/2018 12:51 PM EDT

The second-ranked Senate GOP leader on Thursday suggested the Supreme Court confirmation vote to replace Anthony Kennedy would take place sometime in September, saying he "would be shocked" if the vote happened before Labor Day.

Majority Whip John Cornyn (R-Texas) added that he is "not opposed" to moving President Donald Trump's nominee more quickly, but he noted that background checks on Trump's still-unnamed pick are likely to take time.

Republicans have already [made clear](#) that they don't plan to heed Democratic calls for a delay in the Supreme Court confirmation until after November's election to give midterm voters a chance to weigh in.

Supreme Court nominees since the Ford administration spent an average of 67 days between their nomination and final confirmation, according to a 2015 report from the Congressional Research Service — a window that Cornyn told reporters he "would endorse" as a goal. Of



course, that figure doesn't include President Barack Obama's Supreme Court nominee, Merrick Garland, whom Republicans blocked and denied a confirmation hearing in 2016.

Republican senators anticipate dedicating much of August to passing appropriations bills, meaning that a final Supreme Court vote would wait until September. The high court's next term is set to begin on the first Monday of October.

Senate Judiciary Chairman Chuck Grassley (R-Iowa), however, declined to commit to any timetable.

"Everything is going to be judged by when the president makes an appointment and what [Majority Leader Mitch] McConnell wants to schedule," Grassley said. At this point, it's all speculation. And there's no point in speculating."

Cornyn also cautioned Trump against selecting any nominee with a publicly stated position on overturning court precedents such as *Roe v. Wade*.

"I think that would be a terrible mistake, for the president to nominate somebody who had that sort of agenda," Cornyn told reporters, adding that "we don't need judges who have either personal or political or ideological agendas, in my view. And I think that ought to comfort all of us."

It's common for presidents of both parties to avoid picking a nominee with a lengthy paper trail for opponents to seize on, though Trump has previously said he would want to appoint anti-abortion judges to the high court.

One member of Trump's Supreme Court shortlist, Sen. Mike Lee (R-Utah), has championed anti-abortion legislation, although he suggested Thursday that *Roe* might be safer after Kennedy's retirement than some on the left have argued.

*Burgess Everett contributed to this report.*

*To view online [click here](#).*

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**Senate passes farm bill with flood insurance extension** [Back](#)

By Zachary Warmbrodt | 06/28/2018 06:09 PM EDT

The Senate today passed a farm bill, H.R. 2 (115), that includes a provision reauthorizing the National Flood Insurance Program before it expires in the middle of hurricane season — a victory for coastal lawmakers.

But with time running out before the program's July 31 expiration date, and the enactment of the

farm bill not a sure bet by then, senators are already looking at other vehicles to attach a short-term extension.

John Kennedy (R-La.) said he's looking at an upcoming FAA bill. Kennedy and Bill Cassidy (R-La.) pushed for the six-month reauthorization in the farm bill this week, and they've also introduced the extension as stand-alone legislation.

"We're not going to let this program expire," Kennedy said. "If lightning strikes and we get a [long-term] reform bill by the 31st, that would be great. But it's not likely to happen."

To view online [click here](#).

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**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**Cc:** Chancellor, Erin[chancellor.erin@epa.gov]  
**From:** Kunding, Kelly  
**Sent:** Mon 6/25/2018 4:25:51 PM  
**Subject:** Re: John Meyer

He is getting into town early to run through the route. He said he can be there at 2:30, therefore, I assume he can come 30 minutes sooner if we ask.  
Please let me know if you'd like me to give him a call.

Sent from my iPhone

On Jun 25, 2018, at 11:24 AM, Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)> wrote:

Do you know when he get's into town? He might need to come to the DEQ meeting to discuss tar creek at 2 PM...if he can make it. Thoughts?

Sent from my iPad

**To:** Abboud, Michael[abboud.michael@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Bodine, Susan[bodine.susan@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Bolen, Derrick[bolen.derrick@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Darwin, Henry[darwin.henry@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Dourson, Michael[dourson.michael@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Feeley, Drew (Robert)[Feeley.Drew@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]; Gordon, Stephen[gordon.stephen@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Harlow, David[harlow.david@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Konkus, John[konkus.john@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Lovell, Will (William)[lovell.william@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]; Sands, Jeffrey[sands.jeffrey@epa.gov]; Schwab, Justin[Schwab.Justin@epa.gov]; Shimmin, Kaitlyn[shimmin.kaitlyn@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; White, Elizabeth[white.elizabeth@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]; Benevento, Douglas[benevento.douglas@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Glenn, Trey[Glenn.Trey@epa.gov]; Gulliford, Jim[gulliford.jim@epa.gov]; Lopez, Peter[lopez.peter@epa.gov]; Servidio, Cosmo[Servidio.Cosmo@epa.gov]; Stepp, Cathy[stepp.cathy@epa.gov]

**From:** Ford, Hayley  
**Sent:** Mon 10/30/2017 4:12:44 PM  
**Subject:** Agency Weekly Report 10.30.17  
[Weekly Report 10.27.2017.docx](#)

See attached for the weekly report.

Thanks!

**Hayley Ford**

Deputy White House Liaison and Personal Aide to the Administrator

Environmental Protection Agency

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Phone: 202-564-2022

Cell: Ex. 6 - Personal Privacy



# **Ex. 5 - Deliberative Process**

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### **Tar Creek Superfund Site, Miami, Oklahoma (Collaborative Federalism)**

Sampling will continue in Operable Unit 5 during the week of October 30 through November 3, 2017, in order to collect data related to characterization of and potential risk related to sediment and surface water within the Tristate Watershed investigation area. This field event is being accomplished through joint coordination and cooperation with Region 7, three states (Oklahoma, Missouri, Kansas), eight Tribes (Quapaw, Peoria, Ottawa, Miami, Eastern Shawnee, Wyandotte, Seneca-Cayuga, and Cherokee), and other federal and state agencies (U.S. Fish and Wildlife, U.S. Geological Survey, Oklahoma Department of Wildlife). The project area consists of seven watersheds and covers approximately 437 square miles and 119 river miles.

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**To:** Daniell, Kelsi[daniell.kelsi@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Konkus, John[konkus.john@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Hanson, Paige (Catherine)[hanson.catherine@epa.gov]  
**From:** Block, Molly  
**Sent:** Fri 1/5/2018 3:11:42 PM  
**Subject:** EPA Morning News Highlights 01.05.18  
[EPA News Highlights 1.5.18.docx](#)

## **EPA News Highlights 1.5.18**

### **Washington Examiner: EPA Sets Hard Deadline for Enforcing Obama-era Ozone Restrictions**

The Environmental Protection Agency has set a hard spring deadline for listing regions of the country that cannot meet the Obama administration's strict rules for smog-forming ozone emissions. The EPA plans to complete designations for all of the non-compliant areas no later than April 30, the agency announced in the Federal Register Thursday.

### **Columbia County Spotlight: St. Helens Approves Contract for Brownfield Site Study**

St. Helens will continue its working relationship with a Portland-based consulting company to conduct site studies of potential brownfields in the city. In May the city received \$300,000 in grant funding from the Environmental Protection Agency to conduct brownfield assessments throughout the city. Brownfields are site that have been contaminated by potentially hazardous substances or pollutants left behind by previous development on the land.

### **Reuters: Monsanto Wins Support from 11 U.S. States in California Cancer Dispute**

Monsanto Co has won support from eleven U.S. states in its attempt to stop California from requiring cancer warnings on products containing glyphosate, ratcheting up a legal fight over the company's popular weed killer.

### **Politico Morning Energy: Justices to Discuss Energy Cases Today**

he Supreme Court meets privately today for their regular conference with several high-profile energy-related cases on its list. It's not clear whether any of these cases will pique the justices' interest, so we'll keep an eye on Monday morning's release of orders from today's conference. Here's a brief rundown of the energy cases by topic. EPA coal jobs study: Murray Energy is appealing the 4th Circuit ruling from last year that said EPA was not legally obligated under the Clean Air Act to produce a study specifically considering coal industry job losses caused by its regulations.

### **National News Highlights 12.4.17**

#### **Wall Street Journal: Dow Industrials Cross 25,000 for First Time**

The Dow Jones Industrial Average jumped past 25000 for the first time Thursday, the index's fastest run to a fresh 1,000-point milestone in history. The S&P 500's long-running rally also reached a new landmark Thursday, becoming the greatest bull market in the postwar era.

#### **Reuters: 'Bomb Cyclone' Hits US East Coast Energy, Power Supply**

A severe winter storm froze pipes and disrupted services at refineries on the U.S. Atlantic coast on Thursday, sending fuel prices higher as heavy snowfall and high winds caused electricity outages for almost 80,000 homes and businesses. The only nuclear plant in Massachusetts was shut just after 2 p.m. because of the failure of a line that connects the reactor to the power grid.

#### **CNN: Major Chip Flaws Affect Billions of Devices**

Two major flaws in computer chips could leave a huge number of computers and smartphones vulnerable to security concerns, researchers revealed Wednesday. And a U.S. government-backed body warned that the chips themselves need to be replaced to completely fix the problems. The flaws could allow an attacker to read sensitive data stored in the memory, like passwords, or look at what tabs someone has open on their computer, researchers found.

#### **Associated Press: Judges Recommend Rebates for Utility Corporate Tax Savings**

Administrative law judges recommended Thursday that five Oklahoma utilities use any savings they receive from new federal corporate tax rates to issue rebates totaling as much as \$100 million to their customers, a deputy state attorney general said. The rulings were handed down

following legal arguments before administrative law judges appointed by the Oklahoma Corporation Commission to hear Attorney General Mike Hunter's request that consumer rates be reduced to reflect lower tax rates that went into effect on Monday.

### (Opinion) The Oklahoman: Why Now is the Time to See Sooner Sensation Trae Young

Trae Young dribbled down the court heading directly toward an Oklahoma State defender, and you wondered what he was doing. The clock may be ticking, too, on Trae Young. Talk around town when the point guard committed and signed with Oklahoma out of Norman North was that he planned to spend a couple years in college before leaving for the NBA. That timeline has been accelerated. As a freshman — and a freshman point guard at that — Young is authoring one of the most dazzling and dominating seasons that college basketball has seen in quite some time.

### TRUMP TWEETS

## Washington Examiner

<http://www.washingtonexaminer.com/epa-sets-hard-deadline-for-enforcing-obama-era-ozone-restrictions/article/2645034>

### **EPA Sets Hard Deadline for Enforcing Obama-era Ozone Restrictions**

By John Siciliano, 1/4/18

The Environmental Protection Agency has set a hard spring deadline for listing regions of the country that cannot meet the Obama administration's strict rules for smog-forming ozone emissions.

The EPA plans to complete designations for all of the non-compliant areas no later than April 30, the agency announced in the Federal Register Thursday.

The Trump EPA had tried to delay formally designating the regions as non-attainment zones, which would force some cities and other areas to establish special pollution control plans that critics of the rule have argued would deter development and economic growth.

A court blocked EPA Administrator Scott Pruitt's delay strategy and directed the agency to

enforce the regulations. Since the court order, environmentalists have held the agency to meeting deadlines for designating the non-attainment regions, which is a key part of implementing the regulations.

EPA has missed the deadlines, saying it needs more time to collect data from states.

Thursday's notice ends that data collection period.

In November, the EPA said 2,646 counties, including Indian country in those counties, are meeting the ozone standards, and listed three other counties as unclassifiable. Thursday's notice means the EPA intends to designate all of the remaining areas as non-attainment regions.

In a separate action, EPA also proposes taking a large area that includes Missouri, including St. Louis, and Illinois off the non-attainment list for related rules for controlling soot pollution.

The action is meant to get feedback from stakeholders on the EPA's proposed plan to designate the large bi-state area as meeting the rules based on new pollution data from 2017.

"EPA expects to approve the area's re-designation," the agency said. The proposal becomes effective Friday.

## Columbia County Spotlight

<http://www.pamplinmedia.com/scs/83-news/383099-271372-st-helens-approves-contract-for-brownfield-site-study>

### **St. Helens Approves Contract for Brownfield Site Study**

By Nicole Thill, 1/5/18

City Council votes to approve contract with Maul Foster Alongi to oversee grant-funded program

St. Helens will continue its working relationship with a Portland-based consulting company to conduct site studies of potential brownfields in the city.

The St. Helens City Council voted Wednesday, Jan. 3, to approve a contract with Maul Foster Alongi, placing the environmental engineering and consulting company in charge of project management for brownfield site identification.

In May the city received \$300,000 in grant funding from the Environmental Protection Agency to conduct brownfield assessments throughout the city. Brownfields are sites that have been

contaminated by potentially hazardous substances or pollutants left behind by previous development on the land.

The city approved a work plan in July that outlined the project scope to perform the brownfield assessments. The main purpose of the EPA-funded project will be to identify key areas that are limited in their ability to be redeveloped due to a brownfield designation. The goal will be to conduct six environmental site assessments in phase one, six assessments in phase two, convene a brownfield advisory committee and host two public meetings to determine site prioritization and reuse planning.

Approval of the plan was the first step, however, and the city recently put out a request for proposals to seek an applicant to oversee implementation of the plan. The city issued a request for qualifications in November and recently reviewed the applications it received.

City Administrator John Walsh explained that brownfield site identification is a specialized field, and the city received only three proposals from companies interested in taking on the project management role.

The city has worked with Maul Foster Alongi on previous projects, including the development of the waterfront framework plan that outlines development possibilities for waterfront land the city owns.

## Reuters

<https://www.reuters.com/article/us-usa-pesticides-monsanto/monsanto-wins-support-from-11-u-s-states-in-california-cancer-dispute-idUSKBN1ES269>

### **Monsanto Wins Support from 11 US States in California Cancer Dispute**

By Tom Polansek, 1/3/18

Monsanto Co has won support from eleven U.S. states in its attempt to stop California from requiring cancer warnings on products containing glyphosate, ratcheting up a legal fight over the company's popular weed killer.

Missouri, home to Monsanto's headquarters, along with other farm states including Iowa and Indiana, said in court documents on Tuesday that the warnings would be misleading because there is no definite link between glyphosate and cancer.

Midwest businesses would need to include warnings on glyphosate products if California

requires them or stop selling such goods because they may end up in the Golden State, according to the states' filing.

California added glyphosate, the main ingredient in Monsanto's Roundup herbicide, to its list of cancer-causing chemicals in July 2017 and will require products containing the chemical to carry warnings by July 2018.

The state acted after the World Health Organization's International Agency for Research on Cancer concluded in 2015 that glyphosate was "probably carcinogenic."

"The mandate imposes confusing and potentially inconsistent obligations on non-resident businesses, creating a strong incentive to abandon glyphosate markets altogether," the states' filing said.

For more than 40 years, farmers have applied glyphosate to crops, most recently on soybeans that Monsanto genetically engineered to resist the herbicide. Roundup is also sprayed on residential lawns and golf courses.

The controversy in California is a headache for the company as it faces a crisis around another herbicide based on a chemical known as dicamba that has been linked to U.S. crop damage.

Monsanto, which is being acquired by Bayer AG for \$63.5 billion, developed the dicamba-based product following an increase in weeds resistant to glyphosate.

The 11 states are supporting a federal lawsuit Monsanto, the National Association of Wheat Growers and other agricultural groups filed in November to stop the state from requiring glyphosate warnings.

Monsanto said Wednesday it had discussed California's mandate with officials in agricultural states as it proceeded with the lawsuit.

California's Office of Environmental Health Hazard Assessment (OEHHA), which is named in the lawsuit, declined to comment. The office previously said it stands by the decision to include glyphosate on the state's list of products known to cause cancer, as required under a rule known as Proposition 65.

"Proposition 65 is 30 years old and for every one of those years there have been strenuous attempts to kill it on the ground that it's different from other states," said David Roe, the rule's primary author.

"They've always failed."

## Politico: Morning Energy

<https://www.politicopro.com/newsletters/morning-energy/2018/01/zinkes-drilling-plan-lands-with-a-thud-065911> **Justices to Discuss Energy Cases Today**

By Kelsey Tamborrino, 1/5/18

The Supreme Court meets privately today for their regular conference with several high-profile energy-related cases on its list. It's not clear whether any of these cases will pique the justices' interest, so we'll keep an eye on Monday morning's release of orders from today's conference. Here's a brief rundown of the energy cases by topic.

EPA coal jobs study: Murray Energy is appealing the 4th Circuit ruling from last year that said EPA was not legally obligated under the Clean Air Act to produce a study specifically considering coal industry job losses caused by its regulations. The Trump administration opposes requiring EPA to produce the study Murray wants and has urged the Supreme Court not to take the case. But EPA Administrator Scott Pruitt said in October that his agency will give greater consideration to coal jobs via some type of study in the future. The case is 17-478, Murray v. Pruitt.



NAAQS implementation: The 9th Circuit ruled in 2016 that EPA wrongly approved part of Arizona's particulate matter clean-up plan that counted already completed actions — such as paving dirt roads — as required "contingency measures" meant to help Maricopa County meet the standard. Arizona argues that similar approvals have happened dozens of times in recent decades, and that the 5th Circuit ruled previously in favor of that scheme. The Trump administration urged the Supreme Court not to get involved, saying the circuit split "does not create any unmanageable practical difficulties." The case is 16-1369, Arizona v. Bahr.

## Wall Street Journal

<https://www.wsj.com/articles/global-stocks-extend-gains-1515034296>

### Dow Industrials Cross 25,000 for First Time

By Corrie Driebusch, Michael Wursthorn and Georgi Kantchev, 1/5/18

The Dow Jones Industrial Average jumped past 25000 for the first time Thursday, the index's fastest run to a fresh 1,000-point milestone in history.

The S&P 500's long-running rally also reached a new landmark Thursday, becoming the greatest bull market in the postwar era. The broad index has more than quadrupled since the bull market began in March 2009, surpassing the tech-fueled rally of the 1990s, according to the research firm Leuthold Group, which excluded dividends from its calculations. The Dow has risen 283% over that same period, according to the WSJ Market Data Group.

Thursday's moves marked the latest feats for a rally that has repeatedly wrong-footed skeptics and sent stock indexes around the world to multiyear highs. The Dow industrials hit five thousand-point milestones last year, the most such records in its 120 years.

Faster economic growth around the globe and improving sentiment from consumers and businesses have helped power this rally in recent weeks. Economic data in the first days of the new year continued to suggest steady expansion in the U.S., China and Europe.

"The turn of the calendar year doesn't change the dynamics of economic growth and earnings growth," said Kate Warne, investment strategist at retail brokerage Edward Jones. "We shouldn't be surprised that markets continue to move higher because fundamentals continue to be positive and investor optimism is actually improving rather than investors becoming more cautious."

The Dow industrials, which heavily weights industrial giants such as Boeing and Caterpillar, gained 152.45 points, or 0.6%, to 25075.13. It took the Dow industrials 23 trading days to reach 25000 from 24000, ahead of the 24-day spans that carried the index to 11000 in 1999 and 21000 in March.

The S&P 500 climbed 10.93 points, or 0.4%, to 2723.99, while the Nasdaq Composite added 12.38 points, or 0.2%, to 7077.91. Each major index closed at fresh records.

Shares of financial firms led markets higher Thursday as a strong private jobs report raised investors' expectations for further interest-rate increases.

Businesses across the country added 250,000 workers in December, according to payroll processor Automatic Data Processing Inc. and forecasting firm Moody's Analytics, topping economists' expectations. The U.S. Bureau of Labor Statistics will release its monthly jobs report on Friday.

Goldman Sachs Group gained \$3.54, or 1.4%, to \$256.83, contributing about 24 points to the Dow's gain. American Express Co. added 1.65, or 1.7%, to 100.85, while JPMorgan Chase & Co. rose 1.54, or 1.4%, to 109.04.

"Financials had been out of favor for some time, but they've been benefiting from this [tax] stimulus," said Jeff Zipper, a portfolio manager and managing director at U.S. Bank's Private Client Reserve.

He added the firm has been increasing clients' exposure to financial stocks as Republicans passed their tax overhaul, and on expectations that the gap between the two-year and 10-year Treasury note yields will increase after nearing its narrowest level in a decade last month. A wider gap between short- and long-term interest rates tends to boost lenders' profits.

The Dow industrials rose 25% in 2017 as investors bet on solid corporate earnings and a pickup in global economic growth. Analysts and investors say sectors like financials and energy are poised to play a bigger role in pushing markets higher. Recently, the price of oil has risen above \$60 a barrel, providing a boost to many of the oil-and-gas companies that languished much of last year.

Shares of Chevron surged in the second half of 2017. The oil producer's stock has risen 21% in the last six months, roughly double its gain for all of last year. Exxon Mobil has climbed nearly 6% over that same period despite finishing last year lower.

"The risk sentiment is absolutely roaring right now," said Richard Benson, co-head of portfolio investments at Millennium Global Investments. "As an investor, it's easy to develop a fear of missing out."

While some investors are excited by the swift pace at which the Dow climbed the latest 1,000 points, many analysts are quick to note that as the blue-chip index rises, the percentage move required to leap to a new milestone becomes significantly easier. For instance, the move to 11000 from 10000 required a gain of 10%, while the rise from 25000 to 26000 needed a 4.2% increase.

The market's steady climb continues to worry some money managers who question whether

stock valuations have become stretched, even as earnings for S&P 500 companies this year are projected to grow at their best rate in seven years. A recent jump in investor exuberance has also put some analysts and investors on edge.

“If investor optimism gets excessive, and I think it’s close to being excessive, I wouldn’t be surprised to see” a pullback in the market, said Bruce Bittles, chief investment strategist at Baird.

## Reuters

<https://www.cnn.com/2018/01/04/bomb-cyclone-hits-us-east-coast-energy-power-supply.html>

### **‘Bomb Cyclone’ Hits US East Coast Energy, Power Supply**

By Scott DiSavino, Devika Krishna Kumar, 1/4/18

An intense winter storm froze pipes and disrupted services at refineries on the U.S. Atlantic coast on Thursday, sending fuel prices higher as heavy snowfall and high winds caused electricity outages for tens of thousands of Americans.

Some 65,000 homes and businesses along the U.S. East Coast are without power, and that number is expected to swell on Thursday as the storm punishes the densely populated U.S. Northeast.

The storm is the product of a rapid and rare sharp drop in barometric pressure known as bombogenesis, or bomb cyclone. Heavy snow pounded the East Coast along a front stretching from Maine as far south as North Carolina early on Thursday, taking out power lines, icing over roadways and closing hundreds of schools.

Prices for heating oil and natural gas in the U.S. Northeast hit their highest levels in years on the back of near-record heating demand. Benchmark U.S. heating oil futures are near their highest in almost three years.

U.S. natural gas demand was expected to remain near record highs this week. Natural gas is the major fuel for residential and commercial heating in the U.S. Northeast and is also widely used by power plants.

On Wednesday, natural gas futures fell 1.6 percent to \$3.008 per million British thermal units, but cash prices in New York and New England remain elevated.

"NYMEX Henry Hub prices should rise further to the mid-\$3 range, as cash Henry Hub prices already traded above \$6. But the market, due to the supposed record-breaking production growth in 2018, still seems to be under-appreciating the potential for cold weather persisting," Citi

analysts said in a note.

New England's cash prices soared last week, and remain near four-year highs at \$36.32 per mmBtu. ISO-New England, that region's power grid operator, said on Thursday that its power operators were relying more heavily on generators that burn heating oil, due to heavy natural gas demand from homes and businesses.

"We expect to have sufficient capacity and fuel available and expect to be able to weather the storm without running up against significant emissions limits, but concerns remain the same regarding fuel availability and emissions limits throughout this protracted cold spell and the rest of the winter," the company said in a statement.

There are fears that a significant disruption could lead to a heating oil shortage, as distillate inventories, including heating oil, in the New England and Mid-Atlantic regions are currently at their lowest levels for this time of year since 2015.

This has spurred tankers carrying diesel and heating oil to set out from Europe bound for the United States to address supply worries, reversing a traditional trade route.

Icebreakers have been used in key ports of Boston, New York and Philadelphia to keep shipping lanes clear, though delays are expected, and the Coast Guard said late Wednesday that those ships will remain at shore until the storm passes.

Reliance on heating oil is highest in the Northeast region, with about 21 percent of households using oil for space heating.

So far, most northern U.S. refiners are not reporting problems. Phillips 66 shut a crude and coking unit at its Wood River, Illinois, refinery after a line froze followed by a brief fire, a source told Reuters on Wednesday. It did not currently have a timeline for restarting the units at the Illinois plant, the source said.

Philadelphia Energy Solutions postponed planned work at its 335,000 refinery complex in Philadelphia until after the storm.

Valero's 125,000 bpd refinery in Meraux, Louisiana, restarted most operations after sub-freezing conditions froze instruments earlier this week, according to a report by Energy News Today (ENT).

Valero was forced to cut rates at its Port Arthur, Texas, refinery due to the cold weather, ENT reported, and operations are expected to return to normal by the end of the week.

# CNN

<http://money.cnn.com/2018/01/03/technology/computer-chip-flaw-security/index.html>

## Major Chip Flaws Affect Billions of Devices

By Selena Larson, 1/4/18

Two major flaws in computer chips could leave a huge number of computers and smartphones vulnerable to security concerns, researchers revealed Wednesday.

And a U.S. government-backed body warned that the chips themselves need to be replaced to completely fix the problems.

The flaws could allow an attacker to read sensitive data stored in the memory, like passwords, or look at what tabs someone has open on their computer, [researchers found](#). Daniel Gruss, a researcher from Graz University of Technology who helped identify the flaw, said it may be difficult to execute an attack, but billions of devices were impacted.

Called Meltdown and Spectre, the flaws exist in processors, a building block of computers that acts as the brain. Modern processors are designed to perform something called "speculative execution." That means they predict what tasks they will be asked to execute and rapidly access multiple areas of memory at the same time.

That data is supposed to be protected and isolated, but researchers discovered that in some cases, the information can be exposed while the processor queues it up.

Researchers say almost every computing system -- desktops, laptops, smartphones, and cloud servers -- is affected by the Spectre bug. Meltdown appears to be specific to Intel ([INTC](#)) chips.

"More specifically, all modern processors capable of keeping many instructions in flight are potentially vulnerable. In particular, we have verified Spectre on Intel, AMD, and ARM processors," the researchers said.

Government agencies issued statements warning users about the vulnerabilities.

The U.S. Computer Emergency Readiness Team said that while the flaws "could allow an attacker to obtain access to sensitive information," it's not so far aware of anyone doing so.

The agency urged people to read [a detailed statement](#) on the vulnerabilities by the Software Engineering Institute, a U.S.-government funded body that researches cybersecurity problems.

The institute said that "fully removing the vulnerability requires replacing vulnerable [processor] hardware."

It later changed its guidance on Thursday to suggest updating software was enough. The institute didn't say why it had made the change and didn't immediately respond to a request for further

information.

It said the problems affect technology giants including Apple, Google and Microsoft.

The U.S. Computer Emergency Readiness Team recommended that users read advice posted online by [Microsoft](#) and software company [Mozilla](#).

The U.K.'s National Cyber Security Center advised organizations and individuals to "continue to protect their systems from threats by installing patches as soon as they become available."

Google ([GOOGL](#)) programmer Jann Horn of Project Zero was one of the researchers who discovered the flaws. [In a blog post](#), he said his group alerted chipmakers to the issues in June. Since last fall, security researchers and companies have investigated and updated software systems to address the flaws.

Intel chips are found in everything from personal computers to medical equipment. The company's shares were down 3% on Wednesday.

The company said in a press [release](#) that "many types of computing devices — with many different vendors' processors and operating systems — are susceptible to these exploits."

Intel said it is working with other chipmakers, including AMD and ARM Holdings, to solve the issue. ARM said in a [statement](#) a small subset of its processors are susceptible to the flaws. AMD said [in a statement](#) there is a "near zero risk of exploitation" for one of the security issues, due to architecture differences.

A fix requires both the chip manufacturers and software makers to update their products before pushing it out.

Estimates posted on Linux message boards [suggested](#) computer performance could slow down between 5% and 30% once patched, however Intel said users will not see significant performance changes.

Tech website The Register was [first to report](#) the processor flaws on Tuesday.

A spokesperson for Microsoft ([MSFT](#)) told CNNMoney the company is aware of the issue and is in the process of deploying mitigations to cloud services and has released security updates to protect Windows users.

Google's Cloud Platform has been updated to prevent the vulnerabilities, the company said.

Amazon ([AMZN](#)) said in a statement most of its cloud computing machines affected by the flaw are already protected, but it was updating the rest on Wednesday.

Apple ([AAPL](#)) revealed Thursday that [all its Mac and iOS devices](#) were affected by the flaws, but said that "there are no known exploits impacting customers at this time." The company has

already released some fixes for Meltdown, and will release others for Spectre in subsequent updates.

It's important for all users to update their devices when new updates are released.

Flaws in chips are unusual. Back in 1994, a major error in Intel's Pentium processor caused computers to incorrectly calculate results.

## Associated Press

<https://www.usnews.com/news/best-states/oklahoma/articles/2018-01-04/oklahoma-utility-regulators-consider-request-for-rate-cut>

### Judges Recommend Rebates for Utility Corporate Tax Savings

By Tim Talley, 1/4/18

Administrative law judges recommended Thursday that five Oklahoma utilities use any savings they receive from new federal corporate tax rates to issue rebates totaling as much as \$100 million to their customers, a deputy state attorney general said.

The rulings were handed down following legal arguments before administrative law judges appointed by the Oklahoma Corporation Commission to hear Attorney General Mike Hunter's request that consumer rates be reduced to reflect lower tax rates that went into effect on Monday.

The new law lowers the highest corporate income tax rate from 35 percent to 21 percent, and Hunter's office has estimated that customer savings could be \$100 million a year not including any savings from the utilities' excess accumulated deferred income tax accounts, Deputy Attorney General Dara Derryberry said. The accounts are used to reflect utility companies' past use of tax breaks to defer tax bills.

The five utilities affected by the recommendations are Oklahoma Gas & Electric, Public Service Company of Oklahoma, Oklahoma Natural Gas, CenterPoint Energy and Arkansas Oklahoma Gas.

The judges recommended that the three-member commission, which regulates public utilities in the state, grant Hunter's request that each of the five utilities make any income tax savings they receive from the new law subject to ratepayer rebates, Derryberry said.

The judges instructed the commission's staff to prepare proposed orders by Friday and the commission could consider whether to grant the rebate orders as early as Monday, she said.

"The attorney general is urging swift action by the commission," Derryberry said.

Utility officials have said they were already working with the commission on possible rate changes and shared Hunter's goal to keep rates affordable. OG&E spokesman Brian Alford has said the utility is still trying to determine the impact of the tax bill and will conduct its own rate review regardless of what the commission decides.

Hunter's office has estimated that OG&E's corporate tax savings from the new law will be \$51.7 million a year, more than the other four utilities combined.

Hunter's office asked the commission to pass the savings onto consumers last month after President Donald Trump signed the sweeping overhaul of federal tax law.

"These companies will begin seeing major savings after the tax cut is implemented," Hunter said at the time. "Oklahomans who are customers of these companies should immediately retain the benefits."

## The Oklahoman

<http://newsok.com/why-now-is-the-time-to-see-sooner-sensation-trae-young/article/5578401>

### **Why Now is the Time to See Sooner Sensation Trae Young**

By Jenni Carlson, 1/5/18

Trae Young dribbled down the court heading directly toward an Oklahoma State defender, and you wondered what he was doing.

But as soon as the Sooner phenom reached the unsuspecting Cowboy on Wednesday night, he crossed over his dribble, right to left. In a flash, he was in the open, and you wondered how he did that.

The crowd inside the Lloyd Noble Center started oohing and aahing long before Young put the ball through the basket.

It was fun for anyone watching.

It was even better in person.

During a week in which we rang in the new year and the Big 12 heralded the start of conference play, there were reminders a plenty that the clock is ticking. Only a couple months of the regular season remain. Three months from now, we'll stand on the precipice of the national



championship game.

The clock may be ticking, too, on Trae Young.

Talk around town when the point guard committed and signed with Oklahoma out of Norman North was that he planned to spend a couple years in college before leaving for the NBA. The probable thinking was that his first season would be an adjustment, physically and mentality, and that with experience, development and some more time in the weight room, his skills would really start to shine during his second season.

That timeline has been accelerated.

As a freshman — and a freshman point guard at that — Young is authoring one of the most dazzling and dominating seasons that college basketball has seen in quite some time.

After OU's Bedlam win Wednesday night, he is averaging 29.4 points and 10.6 assists a game. He leads the country in both categories, something that has never been done before.

Ever.

Not by a freshman. Not by anyone.

Ever.

The website The Ringer compiled a chart of the seven point guards who have won the Wooden Award, which has been given annually to college basketball's best player since its inception in 1977. Comparing Young's numbers to theirs — remember, these are some of the best to ever play college ball — he would rank first in scoring and assists, second in 3-point percentage and third in field goal percentage.

His numbers may well sag during Big 12 play, but what if they don't?

OU opened conference play with TCU and OSU, and both squads are stout defensively. The Frogs and the Cowboys got physical with Young, who had seven turnovers against TCU and six against OSU. Way more than he wanted.

And still, he averaged 33.0 points and 12.0 assists in those two wins.

“The thing about it, he's so consistent at such a high level,” Sooner coach Lon Kruger said. “It's not consistent average. He's consistent exceptional.”

But for all the eye-popping numbers, it's the way Young plays that is most amazing. If you've never been to watch him in person, go. See. Witness. You'll be glad you did.

I actually wrote those last few sentences a year ago during Young's sensational senior year at Norman North. We headlined it, “THE TRAE YOUNG EXPERIENCE: Why you need to go see

the Norman North point guard before his high school days are done.”

At that point, we didn't know where Young would play in college. OU and OSU were among his finalists, but so were Kansas and Texas Tech, Kentucky and Washington. He could've been playing Wednesday night in Rupp Arena instead of Lloyd Noble, and it would've been a lot harder to see him in person.

But since Young picked the Sooners, The Experience stayed in state.

But I'll say now what I said a year ago — don't wait to go see him.

I have to admit that I don't quite understand how Young does what he does. He isn't an athletic marvel.

A year ago when I wrote about him, I termed him “slight and thin.”

That hasn't changed.

I stood by him the other day during a post-practice interview scrum, and I'm pretty sure I could get my hands around his biceps, index finger to index finger and thumb to thumb. And I don't have particularly large mitts.

Young shows signs of time spent in the weight room, but strength isn't his superpower. Neither is speed. Or ups. He has all those skills and many more, but what makes him a superstar is his fearlessness. He isn't afraid to use his range or his handles even when the defense or the conventional wisdom says otherwise.

Pull up from 35 feet and shoot with a hand in his face? Sure.

Bounce a pass through a defender's legs? OK.

Turn college basketball on its head?

Why not?

The packed seats Wednesday night at the Lloyd Noble Center — and the already announced sellouts of the TCU and Kansas games later this month — are evidence that people are making an effort to see Young. But I'm imploring you to join them.

You won't regret it.

## TRUMP TWEETS



**Donald J. Trump** ● @realDonaldTrump · 1h



Dow goes from 18,589 on November 9, 2016, to 25,075 today, for a new all-time Record. Jumped 1000 points in last 5 weeks, Record fastest 1000 point move in history. This is all about the Make America Great Again agenda! Jobs, Jobs, Jobs. Six trillion dollars in value created!



6.8K



6.0K



25K



## **EPA News Highlights 1.5.18**

### **Washington Examiner: EPA Sets Hard Deadline for Enforcing Obama-era Ozone Restrictions**

The Environmental Protection Agency has set a hard spring deadline for listing regions of the country that cannot meet the Obama administration's strict rules for smog-forming ozone emissions. The EPA plans to complete designations for all of the non-compliant areas no later than April 30, the agency announced in the Federal Register Thursday.

### **Columbia County Spotlight: St. Helens Approves Contract for Brownfield Site Study**

St. Helens will continue its working relationship with a Portland-based consulting company to conduct site studies of potential brownfields in the city. In May the city received \$300,000 in grant funding from the Environmental Protection Agency to conduct brownfield assessments throughout the city. Brownfields are site that have been contaminated by potentially hazardous substances or pollutants left behind by previous development on the land.

### **Reuters: Monsanto Wins Support from 11 U.S. States in California Cancer Dispute**

Monsanto Co has won support from eleven U.S. states in its attempt to stop California from requiring cancer warnings on products containing glyphosate, ratcheting up a legal fight over the company's popular weed killer.

### **Politico Morning Energy: Justices to Discuss Energy Cases Today**

he Supreme Court meets privately today for their regular conference with several high-profile energy-related cases on its list. It's not clear whether any of these cases will pique the justices' interest, so we'll keep an eye on Monday morning's release of orders from today's conference. Here's a brief rundown of the energy cases by topic. EPA coal jobs study: Murray Energy is appealing the 4th Circuit ruling from last year that said EPA was not legally obligated under the Clean Air Act to produce a study specifically considering coal industry job losses caused by its regulations.

## **National News Highlights 12.4.17**

### **Wall Street Journal: Dow Industrials Cross 25,000 for First Time**

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### **CNN: Major Chip Flaws Affect Billions of Devices**

Two major flaws in computer chips could leave a huge number of computers and smartphones vulnerable to security concerns, researchers revealed Wednesday. And a U.S. government-backed body warned that the chips themselves need to be replaced to completely fix the problems. The flaws could allow an attacker to read sensitive data stored in the memory, like passwords, or look at what tabs someone has open on their computer, researchers found.

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### **(Opinion) The Oklahoman: Why Now is the Time to See Sooner Sensation Trae Young**

Trae Young dribbled down the court heading directly toward an Oklahoma State defender, and you wondered what he was doing. The clock may be ticking, too, on Trae Young. Talk around town when the point guard committed and signed with Oklahoma out of Norman North was that he planned to spend a couple years in college before leaving for the NBA. That timeline has been accelerated. As a freshman — and a freshman point guard at that — Young is authoring one of the most dazzling and dominating seasons that college basketball has seen in quite some time.

## **TRUMP TWEETS**

### Washington Examiner

<http://www.washingtonexaminer.com/epa-sets-hard-deadline-for-enforcing-obama-era-ozone-restrictions/article/2645034>

#### **EPA Sets Hard Deadline for Enforcing Obama-era Ozone Restrictions**

By John Siciliano, 1/4/18

The Environmental Protection Agency has set a hard spring deadline for listing regions of the country that cannot meet the Obama administration's strict rules for smog-forming ozone emissions.

The EPA plans to complete designations for all of the non-compliant areas no later than April 30, the agency announced in the Federal Register Thursday.

The Trump EPA had tried to delay formally designating the regions as non-attainment zones, which would force some cities and other areas to establish special pollution control plans that critics of the rule have argued would deter development and economic growth.

A court blocked EPA Administrator Scott Pruitt's delay strategy and directed the agency to enforce the regulations. Since the court order, environmentalists have held the agency to meeting deadlines for designating the non-attainment regions, which is a key part of implementing the regulations.

EPA has missed the deadlines, saying it needs more time to collect data from states.

Thursday's notice ends that data collection period.

In November, the EPA said 2,646 counties, including Indian country in those counties, are meeting the ozone standards, and listed three other counties as unclassifiable. Thursday's notice means the EPA intends to designate all of the remaining areas as non-attainment regions.

In a separate action, EPA also proposes taking a large area that includes Missouri, including St. Louis, and Illinois off the non-attainment list for related rules for controlling soot pollution.

The action is meant to get feedback from stakeholders on the EPA's proposed plan to designate the large bi-state area as meeting the rules based on new pollution data from 2017.

"EPA expects to approve the area's re-designation," the agency said. The proposal becomes effective Friday.

### Columbia County Spotlight

<http://www.pamplinmedia.com/scs/83-news/383099-271372-st-helens-approves-contract-for-brownfield-site-study>

#### **St. Helens Approves Contract for Brownfield Site Study**

By Nicole Thill, 1/5/18

City Council votes to approve contract with Maul Foster Alongi to oversee grant-funded program

St. Helens will continue its working relationship with a Portland-based consulting company to conduct site studies of potential brownfields in the city.

The St. Helens City Council voted Wednesday, Jan. 3, to approve a contract with Maul Foster Alongi, placing the environmental engineering and consulting company in charge of project management for brownfield site identification.

In May the city received \$300,000 in grant funding from the Environmental Protection Agency to conduct brownfield assessments throughout the city. Brownfields are site that have been contaminated by potentially hazardous substances or pollutants left behind by previous development on the land.

The city approved a work plan in July that outlined the project scope to perform the brownfield assessments. The main purpose of the EPA-funded project will be to identify key areas that are limited in their ability to be redeveloped due to a brownfield designation. The goal will be to conduct six environmental site assessments in phase one, six assessments in phase two, convene a brownfield advisory committee and host two public meetings to determine site prioritization and reuse planning.

Approval of the plan was the first step, however, and the city recently put out a request for proposals to seek an applicant to oversee implementation of the plan. The city issued a request for qualifications in November and recently reviewed the applications it received.

City Administrator John Walsh explained that brownfield site identification is a specialized field, and the city received only three proposals from companies interested in taking on the project management role.

The city has worked with Maul Foster Alongi on previous projects, including the development of the waterfront framework plan that outlines development possibilities for waterfront land the city owns.

## Reuters

<https://www.reuters.com/article/us-usa-pesticides-monsanto/monsanto-wins-support-from-11-u-s-states-in-california-cancer-dispute-idUSKBN1ES269>

### **Monsanto Wins Support from 11 US States in California Cancer Dispute**

By Tom Polansek, 1/3/18

Monsanto Co has won support from eleven U.S. states in its attempt to stop California from requiring cancer warnings on products containing glyphosate, ratcheting up a legal fight over the company's popular weed killer.

Missouri, home to Monsanto's headquarters, along with other farm states including Iowa and Indiana, said in court documents on Tuesday that the warnings would be misleading because there is no definite link between glyphosate and cancer.

Midwest businesses would need to include warnings on glyphosate products if California requires them or stop selling such goods because they may end up in the Golden State, according to the states' filing.

California added glyphosate, the main ingredient in Monsanto's Roundup herbicide, to its list of cancer-causing chemicals in July 2017 and will require products containing the chemical to carry warnings by July 2018.

The state acted after the World Health Organization's International Agency for Research on Cancer concluded in 2015 that glyphosate was "probably carcinogenic."

"The mandate imposes confusing and potentially inconsistent obligations on non-resident businesses, creating a strong incentive to abandon glyphosate markets altogether," the states' filing said.

For more than 40 years, farmers have applied glyphosate to crops, most recently on soybeans that Monsanto genetically engineered to resist the herbicide. Roundup is also sprayed on residential lawns and golf courses.

The controversy in California is a headache for the company as it faces a crisis around another herbicide based on a chemical known as dicamba that has been linked to U.S. crop damage.

Monsanto, which is being acquired by Bayer AG for \$63.5 billion, developed the dicamba-based product following an increase in weeds resistant to glyphosate.

The 11 states are supporting a federal lawsuit Monsanto, the National Association of Wheat Growers and other agricultural groups filed in November to stop the state from requiring glyphosate warnings.

Monsanto said Wednesday it had discussed California's mandate with officials in agricultural states as it proceeded with the lawsuit.

California's Office of Environmental Health Hazard Assessment (OEHHA), which is named in the lawsuit, declined to comment. The office previously said it stands by the decision to include glyphosate on the state's list of products known to cause cancer, as required under a rule known as Proposition 65.

"Proposition 65 is 30 years old and for every one of those years there have been strenuous attempts to kill it on the ground that it's different from other states," said David Roe, the rule's primary author.

"They've always failed."

## Politico: Morning Energy

<https://www.politicopro.com/newsletters/morning-energy/2018/01/zinkes-drilling-plan-lands-with-a-thud-065911>

### Justices to Discuss Energy Cases Today

By Kelsey Tamborrino, 1/5/18

The Supreme Court meets privately today for their regular conference with several high-profile energy-related cases on its list. It's not clear whether any of these cases will pique the justices' interest, so we'll keep an eye on Monday morning's release of orders from today's conference. Here's a brief rundown of the energy cases by topic.

EPA coal jobs study: Murray Energy is appealing the 4th Circuit ruling from last year that said EPA was not legally obligated under the Clean Air Act to produce a study specifically considering coal industry job losses caused by its regulations. The Trump administration opposes requiring EPA to produce the study Murray wants and has urged the Supreme Court not to take the case. But EPA Administrator Scott Pruitt [said in October](#) that his agency will give greater consideration to coal jobs via some type of study in the future. The case is 17-478, Murray v. Pruitt.

NAAQS implementation: The 9th Circuit ruled in 2016 that EPA wrongly approved part of Arizona's particulate matter clean-up plan that counted already completed actions — such as paving dirt roads — as required "contingency measures" meant to help Maricopa County meet the standard. Arizona argues that similar approvals have happened dozens of times in recent decades, and that the 5th Circuit ruled previously in favor of that scheme. The Trump administration urged the Supreme Court not to get involved, saying the circuit split "does not create any unmanageable practical difficulties." The case is 16-1369, Arizona v. Bahr.

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<https://www.wsj.com/articles/global-stocks-extend-gains-1515034296>

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By Corrie Driebusch, Michael Wursthorn and Georgi Kantchev, 1/5/18

The Dow Jones Industrial Average jumped past 25000 for the first time Thursday, the index's fastest run [to a fresh 1,000-point milestone](#) in history.

The S&P 500's long-running rally also reached a new landmark Thursday, becoming the greatest bull market in the postwar era. The broad index has more than quadrupled since the bull market began in March 2009, surpassing the tech-fueled rally of the 1990s, according to the research firm Leuthold Group, which excluded dividends from its calculations. The Dow has risen 283% over that same period, according to the WSJ Market Data Group.

Thursday's moves marked the latest feats for a rally that has repeatedly wrong-footed skeptics and sent stock indexes around the world to multiyear highs. The Dow industrials hit five thousand-point milestones last year, the most such records in its 120 years.

Faster economic growth around the globe and improving sentiment from consumers and businesses have helped power this rally in recent weeks. Economic data in the first days of the new year continued to suggest steady expansion in the U.S., China and Europe.

"The turn of the calendar year doesn't change the dynamics of economic growth and earnings growth," said Kate Warne, investment strategist at retail brokerage Edward Jones. "We shouldn't be surprised that markets continue to move higher because fundamentals continue to be positive and investor optimism is actually improving rather than investors becoming more cautious."

The Dow industrials, which heavily weights industrial giants such as Boeing and Caterpillar, gained 152.45 points, or 0.6%, to 25075.13. It took the Dow industrials 23 trading days to reach 25000 from 24000, ahead of the 24-day spans that carried the index to 11000 in 1999 and 21000 in March.

The S&P 500 climbed 10.93 points, or 0.4%, to 2723.99, while the Nasdaq Composite added 12.38 points, or 0.2%, to 7077.91. Each major index closed at fresh records.

Shares of financial firms led markets higher Thursday as a strong private jobs report raised investors' expectations for further interest-rate increases.

Businesses across the country added 250,000 workers in December, according to payroll processor Automatic Data Processing Inc. and forecasting firm Moody's Analytics, topping economists' expectations. The U.S. Bureau of Labor Statistics will release its monthly jobs report on Friday.

Goldman Sachs Group gained \$3.54, or 1.4%, to \$256.83, contributing about 24 points to the Dow's gain. American Express Co. added 1.65, or 1.7%, to 100.85, while JPMorgan Chase & Co. rose 1.54, or 1.4%, to 109.04.

"Financials had been out of favor for some time, but they've been benefiting from this [tax] stimulus," said Jeff Zipper, a portfolio manager and managing director at U.S. Bank's Private Client Reserve.

He added the firm has been increasing clients' exposure to financial stocks as Republicans passed their tax overhaul, and on expectations that the gap between the two-year and 10-year Treasury note yields will increase after nearing its narrowest level in a decade last month. A wider gap between short- and long-term interest rates tends to boost lenders' profits.

The Dow industrials rose 25% in 2017 as investors bet on solid corporate earnings and a pickup in global economic growth. Analysts and investors say sectors like financials and energy are poised to play a bigger role in pushing markets higher. Recently, the price of oil has risen above \$60 a barrel, providing a boost to many of the oil-and-gas companies that languished much of last year.

Shares of Chevron surged in the second half of 2017. The oil producer's stock has risen 21% in the last six months, roughly double its gain for all of last year. Exxon Mobil has climbed nearly 6% over that same period despite finishing last year lower.



"The risk sentiment is absolutely roaring right now," said Richard Benson, co-head of portfolio investments at Millennium Global Investments. "As an investor, it's easy to develop a fear of missing out."

While some investors are excited by the swift pace at which the Dow climbed the latest 1,000 points, many analysts are quick to note that as the blue-chip index rises, the percentage move required to leap to a new milestone becomes significantly easier. For instance, the move to 11000 from 10000 required a gain of 10%, while the rise from 24000 to 25000 needed a 4.2% increase.

The market's steady climb continues to worry some money managers who question whether stock valuations have become stretched, even as earnings for S&P 500 companies this year are projected to grow at their best rate in seven years. A recent jump in investor exuberance has also put some analysts and investors on edge.

"If investor optimism gets excessive, and I think it's close to being excessive, I wouldn't be surprised to see" a pullback in the market, said Bruce Bittles, chief investment strategist at Baird.

## Reuters

<https://www.cnn.com/2018/01/04/bomb-cyclone-hits-us-east-coast-energy-power-supply.html>

### 'Bomb Cyclone' Hits US East Coast Energy, Power Supply

By Scott DiSavino, Devika Krishna Kumar, 1/4/18

An intense winter storm froze pipes and disrupted services at refineries on the U.S. Atlantic coast on Thursday, sending fuel prices higher as heavy snowfall and high winds caused electricity outages for tens of thousands of Americans.

Some 65,000 homes and businesses along the U.S. East Coast are without power, and that number is expected to swell on Thursday as the storm punishes the densely populated U.S. Northeast.

The storm is the product of a rapid and rare sharp drop in barometric pressure known as bombogenesis, or bomb cyclone. Heavy snow pounded the East Coast along a front stretching from Maine as far south as North Carolina early on Thursday, taking out power lines, icing over roadways and closing hundreds of schools.

Prices for heating oil and natural gas in the U.S. Northeast hit their highest levels in years on the back of near-record heating demand. Benchmark U.S. heating oil futures are near their highest in almost three years.

U.S. natural gas demand was expected to remain near record highs this week. Natural gas is the major fuel for residential and commercial heating in the U.S. Northeast and is also widely used by power plants.

On Wednesday, natural gas futures fell 1.6 percent to \$3.008 per million British thermal units, but cash prices in New York and New England remain elevated.

"NYMEX Henry Hub prices should rise further to the mid-\$3 range, as cash Henry Hub prices already traded above \$6. But the market, due to the supposed record-breaking production growth in 2018, still seems to be under-appreciating the potential for cold weather persisting," Citi analysts said in a note.

New England's cash prices soared last week, and remain near four-year highs at \$36.32 per mmBtu. ISO-New England, that region's power grid operator, said on Thursday that its power operators were relying more heavily on generators that burn heating oil, due to heavy natural gas demand from homes and businesses.

"We expect to have sufficient capacity and fuel available and expect to be able to weather the storm without running up against significant emissions limits, but concerns remain the same regarding fuel availability and emissions limits throughout this protracted cold spell and the rest of the winter," the company said in a statement.

There are fears that a significant disruption could lead to a heating oil shortage, as distillate inventories, including

heating oil, in the New England and Mid-Atlantic regions are currently at their lowest levels for this time of year since 2015.

This has spurred tankers carrying diesel and heating oil to set out from Europe bound for the United States to address supply worries, reversing a traditional trade route.

Icebreakers have been used in key ports of Boston, New York and Philadelphia to keep shipping lanes clear, though delays are expected, and the Coast Guard said late Wednesday that those ships will remain at shore until the storm passes.

Reliance on heating oil is highest in the Northeast region, with about 21 percent of households using oil for space heating.

So far, most northern U.S. refiners are not reporting problems. Phillips 66 shut a crude and coking unit at its Wood River, Illinois, refinery after a line froze followed by a brief fire, a source told Reuters on Wednesday. It did not currently have a timeline for restarting the units at the Illinois plant, the source said.

Philadelphia Energy Solutions postponed planned work at its 335,000 refinery complex in Philadelphia until after the storm.

Valero's 125,000 bpd refinery in Meraux, Louisiana, restarted most operations after sub-freezing conditions froze instruments earlier this week, according to a report by Energy News Today (ENT).

Valero was forced to cut rates at its Port Arthur, Texas, refinery due to the cold weather, ENT reported, and operations are expected to return to normal by the end of the week.

CNN

<http://money.cnn.com/2018/01/03/technology/computer-chip-flaw-security/index.html>

### **Major Chip Flaws Affect Billions of Devices**

By Selena Larson, 1/4/18

Two major flaws in computer chips could leave a huge number of computers and smartphones vulnerable to security concerns, researchers revealed Wednesday.

And a U.S. government-backed body warned that the chips themselves need to be replaced to completely fix the problems.

The flaws could allow an attacker to read sensitive data stored in the memory, like passwords, or look at what tabs someone has open on their computer, researchers found. Daniel Gruss, a researcher from Graz University of Technology who helped identify the flaw, said it may be difficult to execute an attack, but billions of devices were impacted.

Called Meltdown and Spectre, the flaws exist in processors, a building block of computers that acts as the brain. Modern processors are designed to perform something called "speculative execution." That means they predict what tasks they will be asked to execute and rapidly access multiple areas of memory at the same time.

That data is supposed to be protected and isolated, but researchers discovered that in some cases, the information can be exposed while the processor queues it up.

Researchers say almost every computing system -- desktops, laptops, smartphones, and cloud servers -- is affected by the Spectre bug. Meltdown appears to be specific to Intel (INTC) chips.

"More specifically, all modern processors capable of keeping many instructions in flight are potentially vulnerable. In

particular, we have verified Spectre on Intel, AMD, and ARM processors," the researchers said.

Government agencies issued statements warning users about the vulnerabilities.

The U.S. Computer Emergency Readiness Team said that while the flaws "could allow an attacker to obtain access to sensitive information," it's not so far aware of anyone doing so.

The agency urged people to read [a detailed statement](#) on the vulnerabilities by the Software Engineering Institute, a U.S.-government funded body that researches cybersecurity problems.

The institute said that "fully removing the vulnerability requires replacing vulnerable [processor] hardware."

It later changed its guidance on Thursday to suggest updating software was enough. The institute didn't say why it had made the change and didn't immediately respond to a request for further information.

It said the problems affect technology giants including Apple, Google and Microsoft.

The U.S. Computer Emergency Readiness Team recommended that users read advice posted online by [Microsoft](#) and software company [Mozilla](#).

The U.K.'s National Cyber Security Center advised organizations and individuals to "continue to protect their systems from threats by installing patches as soon as they become available."

Google ([GOOGL](#)) programmer Jann Horn of Project Zero was one of the researchers who discovered the flaws. [In a blog post](#), he said his group alerted chipmakers to the issues in June. Since last fall, security researchers and companies have investigated and updated software systems to address the flaws.

Intel chips are found in everything from personal computers to medical equipment. The company's shares were down 3% on Wednesday.

The company said in a press [release](#) that "many types of computing devices — with many different vendors' processors and operating systems — are susceptible to these exploits."

Intel said it is working with other chipmakers, including AMD and ARM Holdings, to solve the issue. ARM said in [a statement](#) a small subset of its processors are susceptible to the flaws. AMD said [in a statement](#) there is a "near zero risk of exploitation" for one of the security issues, due to architecture differences.

A fix requires both the chip manufacturers and software makers to update their products before pushing it out.

Estimates posted on Linux message boards [suggested](#) computer performance could slow down between 5% and 30% once patched, however Intel said users will not see significant performance changes.

Tech website The Register was [first to report](#) the processor flaws on Tuesday.

A spokesperson for Microsoft ([MSFT](#)) told CNNMoney the company is aware of the issue and is in the process of deploying mitigations to cloud services and has released security updates to protect Windows users.

Google's Cloud Platform has been updated to prevent the vulnerabilities, the company said.

Amazon ([AMZN](#)) said in a statement most of its cloud computing machines affected by the flaw are already protected, but it was updating the rest on Wednesday.

Apple ([AAPL](#)) revealed Thursday that [all its Mac and iOS devices](#) were affected by the flaws, but said that "there are no

known exploits impacting customers at this time." The company has already released some fixes for Meltdown, and will release others for Spectre in subsequent updates.

It's important for all users to update their devices when new updates are released.

Flaws in chips are unusual. Back in 1994, a major error in Intel's Pentium processor caused computers to incorrectly calculate results.

## Associated Press

<https://www.usnews.com/news/best-states/oklahoma/articles/2018-01-04/oklahoma-utility-regulators-consider-request-for-rate-cut>

### **Judges Recommend Rebates for Utility Corporate Tax Savings**

By Tim Talley, 1/4/18

Administrative law judges recommended Thursday that five Oklahoma utilities use any savings they receive from new federal corporate tax rates to issue rebates totaling as much as \$100 million to their customers, a deputy state attorney general said.

The rulings were handed down following legal arguments before administrative law judges appointed by the Oklahoma Corporation Commission to hear Attorney General Mike Hunter's request that consumer rates be reduced to reflect lower tax rates that went into effect on Monday.

The new law lowers the highest corporate income tax rate from 35 percent to 21 percent, and Hunter's office has estimated that customer savings could be \$100 million a year not including any savings from the utilities' excess accumulated deferred income tax accounts, Deputy Attorney General Dara Derryberry said. The accounts are used to reflect utility companies' past use of tax breaks to defer tax bills.

The five utilities affected by the recommendations are Oklahoma Gas & Electric, Public Service Company of Oklahoma, Oklahoma Natural Gas, CenterPoint Energy and ArkansasOklahoma Gas.

The judges recommended that the three-member commission, which regulates public utilities in the state, grant Hunter's request that each of the five utilities make any income tax savings they receive from the new law subject to ratepayer rebates, Derryberry said.

The judges instructed the commission's staff to prepare proposed orders by Friday and the commission could consider whether to grant the rebate orders as early as Monday, she said.

"The attorney general is urging swift action by the commission," Derryberry said.

Utility officials have said they were already working with the commission on possible rate changes and shared Hunter's goal to keep rates affordable. OG&E spokesman Brian Alford has said the utility is still trying to determine the impact of the tax bill and will conduct its own rate review regardless of what the commission decides.

Hunter's office has estimated that OG&E's corporate tax savings from the new law will be \$51.7 million a year, more than the other four utilities combined.

Hunter's office asked the commission to pass the savings onto consumers last month after President Donald Trump signed the sweeping overhaul of federal tax law.

"These companies will begin seeing major savings after the tax cut is implemented," Hunter said at the time.

"Oklahomans who are customers of these companies should immediately retain the benefits."

## **Why Now is the Time to See Sooner Sensation Trae Young**

By Jenni Carlson, 1/5/18

Trae Young dribbled down the court heading directly toward an Oklahoma State defender, and you wondered what he was doing.

But as soon as the Sooner phenom reached the unsuspecting Cowboy on Wednesday night, he crossed over his dribble, right to left. In a flash, he was in the open, and you wondered how he did that.

The crowd inside the Lloyd Noble Center started oohing and aahing long before Young put the ball through the basket.

It was fun for anyone watching.

It was even better in person.

During a week in which we rang in the new year and the Big 12 heralded the start of conference play, there were reminders a plenty that the clock is ticking. Only a couple months of the regular season remain. Three months from now, we'll stand on the precipice of the national championship game.

The clock may be ticking, too, on Trae Young.

Talk around town when the point guard committed and signed with Oklahoma out of Norman North was that he planned to spend a couple years in college before leaving for the NBA. The probable thinking was that his first season would be an adjustment, physically and mentality, and that with experience, development and some more time in the weight room, his skills would really start to shine during his second season.

That timeline has been accelerated.

As a freshman — and a freshman point guard at that — Young is authoring one of the most dazzling and dominating seasons that college basketball has seen in quite some time.

After OU's Bedlam win Wednesday night, he is averaging 29.4 points and 10.6 assists a game. He leads the country in both categories, something that has never been done before.

Ever.

Not by a freshman. Not by anyone.

Ever.

The website The Ringer compiled a chart of the seven point guards who have won the Wooden Award, which has been given annually to college basketball's best player since its inception in 1977. Comparing Young's numbers to theirs — remember, these are some of the best to ever play college ball — he would rank first in scoring and assists, second in 3-point percentage and third in field goal percentage.

His numbers may well sag during Big 12 play, but what if they don't?

OU opened conference play with TCU and OSU, and both squads are stout defensively. The Frogs and the Cowboys got physical with Young, who had seven turnovers against TCU and six against OSU. Way more than he wanted.

And still, he averaged 33.0 points and 12.0 assists in those two wins.

“The thing about it, he's so consistent at such a high level,” Sooner coach Lon Kruger said. “It's not consistent average. He's consistent exceptional.”

But for all the eye-popping numbers, it's the way Young plays that is most amazing. If you've never been to watch him in person, go. See. Witness. You'll be glad you did.

I actually wrote those last few sentences a year ago during Young's sensational senior year at Norman North. We headlined it, “THE TRAE YOUNG EXPERIENCE: Why you need to go see the Norman North point guard before his high school days are done.”

At that point, we didn't know where Young would play in college. OU and OSU were among his finalists, but so were Kansas and Texas Tech, Kentucky and Washington. He could've been playing Wednesday night in Rupp Arena instead of Lloyd Noble, and it would've been a lot harder to see him in person.

But since Young picked the Sooners, The Experience stayed in state.

But I'll say now what I said a year ago — don't wait to go see him.

I have to admit that I don't quite understand how Young does what he does. He isn't an athletic marvel.

A year ago when I wrote about him, I termed him “slight and thin.”

That hasn't changed.

I stood by him the other day during a post-practice interview scrum, and I'm pretty sure I could get my hands around his biceps, index finger to index finger and thumb to thumb. And I don't have particularly large mitts.

Young shows signs of time spent in the weight room, but strength isn't his superpower. Neither is speed. Or ups. He has all those skills and many more, but what makes him a superstar is his fearlessness. He isn't afraid to use his range or his handles even when the defense or the conventional wisdom says otherwise.

Pull up from 35 feet and shoot with a hand in his face? Sure.

Bounce a pass through a defender's legs? OK.

Turn college basketball on its head?

Why not?

The packed seats Wednesday night at the Lloyd Noble Center — and the already announced sellouts of the TCU and Kansas games later this month — are evidence that people are making an effort to see Young. But I'm imploring you to join them.

You won't regret it.

## TRUMP TWEETS



**Donald J. Trump** ● @realDonaldTrump · 1h



Dow goes from 18,589 on November 9, 2016, to 25,075 today, for a new all-time Record. Jumped 1000 points in last 5 weeks, Record fastest 1000 point move in history. This is all about the Make America Great Again agenda! Jobs, Jobs, Jobs. Six trillion dollars in value created!



6.8K



6.0K



25K



**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** POLITICO Pro Energy  
**Sent:** Thur 6/28/2018 9:44:23 AM  
**Subject:** Morning Energy, presented by ExxonMobil: Musical chairs: SCOTUS edition — Gas industry against 'transition fuel' description — Perry's back

By Kelsey Tamborrino | 06/28/2018 05:42 AM EDT

*With help from Alex Guillén, Annie Snider, Eric Wolff, Anthony Adragna and Emily Holden*

**MUSICAL CHAIRS, SCOTUS EDITION:** Supreme Court Justice Anthony Kennedy announced his retirement Wednesday — setting the stage for President Donald Trump to install a pick that will likely shift the court to the right for a generation to come. Talk of who will replace Kennedy kicked off about 1.4 seconds after he announced his retirement. The president said he will pick from his list of contenders from last year (so say goodbye to the idea of Justice Scott Pruitt). It's early, but here are a few names ME is keeping an eye on:

— **Brett Kavanaugh**, 53, judge on the D.C. Circuit Court of Appeals since 2006. Kavanaugh — already reportedly a front-runner — has been on Republican SCOTUS short lists since he joined the D.C. Circuit 12 years ago. Thanks to his seat there, Kavanaugh has had his fingers in numerous environmental cases over the years, and is widely seen as critical of many Obama-era EPA rules. (In a tweet, E&E News' Robin Bravender pointed out Kavanaugh's conservative credentials. "A source told me a few years back: 'I would think him a judge that is more open to second-guessing the EPA than nearly anyone.'")

— **Patrick Wyrick**, 37, Oklahoma Supreme Court justice, nominee to the U.S. District Court for the Western District of Oklahoma. Aside from his youth, Wyrick's other claim to fame is a close connection to EPA chief Pruitt. Wyrick's nomination to a federal district court cleared committee earlier this month on a party-line vote, but he drew fire from liberal groups such as the Alliance for Justice and the League of Conservation Voters for his work as Oklahoma's solicitor general while Pruitt was fighting federal regulations as attorney general. Pruitt previously called him "a superb lawyer" and "a dear friend and trusted counselor."

— **Sen. Mike Lee** (R-Utah), 47. Lee chairs the Energy and Natural Resources Subcommittee on Public Lands, Forests and Mining and the Republican Steering Committee. A former clerk for Samuel Alito when he was on the 3rd Circuit Court of Appeals, Lee in recent years made headlines for holding up federal aid to Flint, Mich., saying the state should pay for its lead crisis. Lee also praised the president last year for significantly reducing the size of two national monuments in Utah.

**ICYMI:** Environmental issues are certainly not left out of the wide-ranging implications of Kennedy's departure, as Pro's Alex Guillén and Annie Snider report. Kennedy for more than a decade has dictated by his votes which streams and wetlands should be protected under the Clean Water Act, and he cast the deciding vote that in 2007 opened the door to EPA climate regulations.

**WELCOME TO THURSDAY!** I'm your host, Kelsey Tamborrino. Bracewell's Frank Maisano



knew President Richard Nixon was the first to see a triple play while attending a baseball game. It was a 1969 game between the Senators and Tigers, where the Tigers got the play, but still ended up losing 7-3. For today: Three current governors were born in Pennsylvania — more than any other state. Name them. Send your tips, energy gossip and comments to [ktamborrino@politico.com](mailto:ktamborrino@politico.com), or follow us on Twitter [@kelseytam](#), [@Morning\\_Energy](#) and [@POLITICOPro](#).

**Join Pro subscribers, expert reporters and key decision-makers** from the executive branch, federal agencies and Congress for a full day of incisive policy conversations on July 17. New speakers include: Seema Verma, administrator of the Centers for Medicare & Medicaid Services; Scott Gottlieb, commissioner of the Food and Drug Administration; and others. [Register today](#).

**CROSS THAT BRIDGE FUEL:** Industry leaders are trying to make one simple message clear at this week's World Gas Conference: They're nobody's transition fuel. As natural gas has been touted by some as a cleaner-than-coal bridge fuel to hold things over until renewable sources take over, gas executives this week argued that renewables can't keep up with growing energy demand, Pro's Eric Wolff [reports](#). "Yes, renewable electricity will be grown massively, but it needs a partner," said Klaus Schäfer, CEO of German energy company Uniper SE. "Obviously gas need to become de-carbonized itself, gas needs to become green if it wants to be part of a de-carbonized future in Europe."

**Others said the vast scale of the power grid** would require a fuel like gas for decades, while highlighting how wind and solar can only provide less than 8 percent of the U.S. power supply. Still, executives said they see coal as their chief competition, not renewables. "Outside the developed world, the whole point is to get energy in increasing amount," said Laurent Vivier, president for gas for Total. "There is a choice that is very obvious to them: there is coal on the one side and gas on the other."

**\*\* Presented by ExxonMobil:** Natural gas has become more important than ever. That's because it's fueling an American manufacturing revival and creating jobs while lowering emissions. And ExxonMobil is one of the world's largest providers. [EnergyFactor.com](#) \*\*

**HE'S BAAACK:** Energy Secretary Rick Perry returns to Day Four of the conference for a discussion this afternoon on the role of gas in an integrated Americas. Ahead of his appearance, Perry will join Ray Washburne, president and CEO of the Overseas Private Investment Corporation, to announce a joint initiative for energy investment in the Americas. And when Perry takes the stage, he'll be joined by private-sector representatives and Javier Iguacel, the energy minister of Argentina, where Perry attended the G-20 earlier this month.

**Perfect timing:** DOE released an updated primer on Natural Gas Liquids on Wednesday, with a renewed focus on NGL's potential in the Appalachian region. The primer, updated with new data from EIA, includes a new section on R&D opportunities related to natural gas and NGL production, conversion and storage. Read it [here](#).

**What else?** Alaska Sen. [Lisa Murkowski](#) will deliver keynote remarks at the conference this morning on "access to sustainable energy in developing economies." Ohio Rep. [Bill Johnson](#) will

discuss the small- to mid-scale LNG movement.

**ZINKE RESPONDS:** Interior Secretary Ryan Zinke spoke out publicly for the first time Wednesday about a [POLITICO report](#) exposing a Montana real estate deal involving a nonprofit he launched and developers backed by Halliburton Chairman Dave Lesar. On talk radio program [Voices of Montana](#), Zinke attacked the reports but did not dispute any specific details, as POLITICO's Ben Lefebvre [notes](#). The secretary acknowledged meeting with Lesar and other developers in his Interior Department office, but said his involvement was limited to providing them background on the nonprofit and the land it owned, which had been donated by BNSF Railway years earlier.

**NOT SO FAST:** Senate Judiciary Chairman [Chuck Grassley](#)'s first ever invocation of his chairmanship in response to EPA's Renewable Fuel Standard announcement on Tuesday didn't escape the notice of EPW Chairman [John Barrasso](#). Though noting he didn't want to "get into a thing," Barrasso said, "in terms of the RFS, that's in the jurisdiction of EPW." He added, "I have a great deal of respect for Chairman Grassley. He knows the institution, the committees, jurisdiction probably better than anybody."

**DIVIDED PANEL UPHOLDS MURRAY PUNISHMENT OVER BONUS PLANS:** An evenly divided federal panel has effectively [upheld](#) a judgment against coal producer Murray Energy for a bonus program that an administrative law judge said undermined worker safety. The bonus plans offered miners up to \$250 a shift if the crew met certain production quotas, but an ALJ at the Federal Mine Safety and Health Review Commission in 2016 said that motivated miners to avoid reporting safety violations or injuries. She fined Murray \$150,000, even more than the Obama administration had asked for. The matter was appealed to the four sitting FMSHRC commissioners, with two saying the ALJ's decision should be upheld and two saying it should be reversed — creating a tie that in effect upheld the ALJ's decision. "We will immediately appeal this split decision and we will prevail," Murray said in a statement.

**FIRSTENERGY LOOKING TO DUMP MURRAY CONTRACTS:** FirstEnergy Solutions wants a bankruptcy judge to reject a contract the company has with the McElroy mine, owned by Murray Energy. The company has been trying to unload nuclear fuel and coal supply contracts throughout its bankruptcy, but Wednesday's filing was the first time it tried to get out of a Murray contract. The company says a January fire at its Bruce Mansfield coal plant has reduced its need for coal, and it wants out of \$35 million worth contracts. Murray and FirstEnergy Corp. CEO Chuck Jones have both lead the charge for a federal bailout of coal and nuclear plants

**MOVING AHEAD:** Count Sen. [Lamar Alexander](#), who oversees the Appropriations subpanel responsible for the energy and water spending title, in favor of moving ahead quickly with a conference between the House and Senate. "We'll move quickly as soon as the conferees are appointed," he told ME. "There's always issues, but we have a good history of working together." Alexander said he'd already had an informal chat with his House counterpart, Rep. [Mike Simpson](#), and expected the House would name conferees later this week.

**FOR YOUR RADAR:** FERC Commissioner Neil Chatterjee will discuss "securing America's energy infrastructure" during a discussion at the Bipartisan Policy Center's [conference](#) today on

the electric grid. Separately, Eric Lightner, director of DOE's Smart Grid Task Force, will participate in a discussion on "nourishing the research."

**DEMOCRATS: BRING BACK THE ICR:** Democrats are rallying around a return of an EPA information collection request in the aftermath of [reports](#) last week that oil and gas methane emissions are much greater than previously thought. A group of Democrats sent a [letter](#) to Pruitt on Wednesday calling on him to reinstate a formal ICR — which would require companies to report detailed technical information about methane emissions from their operations — after he [withdrew](#) the Final Methane ICR in March 2017. "With new science showing that emissions are likely considerably higher than previously thought, there is no excuse for delaying or rescinding methane emission controls, or for failing to collect data from methane emitters," the Democrats wrote.

**MAIL CALL! CENTER'S REBUTTAL:** The Center for Biological Diversity fired back at House Natural Resources Republicans, who last week [questioned](#) its relationship with the Japanese government. Defending its moves to protect the Okinawa dugong, an imperiled marine mammal, the center said it collaborated with U.S. and international partners but did not take direction from anyone but its board and executive director. "Neither its dugong campaign, nor any of its conservation work, is controlled in any manner by any other domestic or foreign interest. Nor does the Center formally represent the interest of any party other than itself and the species and places it seeks to protect," the Center's Kieran Suckling writes. If Republicans are "confused ... it is perhaps because they abuse their positions of power so regularly, and are so deeply influenced by powerful corporate donors, that they are unable to conceive of people being motivated by empathy, public interest and respect for the rule of law and democracy." Read the letter [here](#).

**ABOUT THAT 'RULE OF LAW':** The top Democrats in the House and Senate overseeing the Clean Water Act are worried that Pruitt is not enforcing all violations of the 1972 law. The administrator has recently moved to consolidate key decisions with top political appointees, and last month an EPA staffer publicly acknowledged that the agency is dropping or slow-walking cases where Clean Water Act coverage is not a "slam dunk." In a letter to Pruitt yesterday, House Transportation ranking member [Peter DeFazio](#) and Senate Environment and Public Works Committee ranking member [Tom Carper](#) raised their concerns, arguing that the moves "call into question this administration's commitment to the rule of law," and asking for key details about enforcement actions currently underway.

**REPORT: GHG EMISSIONS TO MISS PARIS TARGET:** U.S. greenhouse gas emissions are estimated to drop 12 percent to 20 percent below 2005 levels by 2025 — far lower than the 26 percent to 28 percent that the Obama administration promised in the Paris agreement, according to a new [assessment](#) by Rhodium Group. The findings are based on current policies, although the outlook could change with state and local efforts and based on future elections, Rhodium noted. The power sector accounts for most emissions reductions.

**Natural gas and renewable power will continue** to displace coal, but they also will push nuclear plants into retirement after 2025, meaning there could be an emissions rebound. Transportation is the largest source of greenhouse gases, which could decline as electric vehicles

become more affordable. But "there is little downward pressure on economy-wide emissions post-2025," Rhodium said. Forest and land use remain a "wild card" for U.S. emissions, the group added.

**CEQ RELEASES NEUMAYR DISCLOSURE:** The Council on Environmental Quality has released its updated [financial disclosure](#) for Mary Neumayr, the new nominee to run the White House Council on Environmental Quality. Her disclosure doesn't show any direct energy-related holdings. Neumayr, who has been acting head of CEQ for more than a year, previously his jobs on the Hill and in the Bush administration.

## QUICK HITS

— "He lobbied for coal. Now he's In the Trump administration, and watching his words," [Bloomberg](#).

— "OPEC run by unanimous decision, not Saudi Arabia, says Kazempour," [S&P Global](#).

— "Ford beats its own carbon emission reduction goals 7 years early," [CNET](#).

— "Company plans to finish Louisiana oil pipeline by October," [Associated Press](#)

— "Interior Department plans to let people kill endangered red wolves," [The Washington Post](#)

## HAPPENING TODAY

9 a.m. — The Inter-American Dialogue [discussion](#) on "Energy Policy in Brazil: What's Next for Upstream, Refining and LNG?" 1155 15th St NW.

10 a.m. — Plug In America and the Senate Auto Caucus host electric vehicle "ride and drive," 1st and C Streets NE.

10 a.m. — United States Energy Association [discussion](#) on fossil energy in a sustainable energy future, 1300 Pennsylvania Ave NW.

1:15 p.m. — Bipartisan Policy Center [conference](#) on advancing the electrical grid, 529 14th St NW.

4 p.m. — USAID Adaptation Community [meeting](#) on managing for climate risk, 1717 H St NW.

6 p.m. — The Competitive Enterprise Institute's [annual dinner and reception](#), 901 Massachusetts Ave NW.

7 p.m. — Sen. [Ed Markey](#) holds a "Climate Crisis Action Summit," Belmont, Mass.

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## Stories from POLITICO Pro

### Anthony Kennedy retiring, giving Trump opening to reshape Supreme Court [Back](#)

By Josh Gerstein and Louis Nelson | 06/27/2018 02:06 PM EDT

Supreme Court Justice Anthony Kennedy announced on Wednesday that he will retire, unleashing an epic political battle to replace him that could allow President Donald Trump to shift the court to the right for a generation to come.

The departure of the 81-year-old Kennedy from his post after more than three decades has the potential to radically reshape the court on issues such as abortion, affirmative action and gay rights, where Kennedy has served as a swing vote.

"It has been the greatest honor and privilege to serve our nation in the federal judiciary for 43 years, 30 of those years on the Supreme Court," Kennedy said in a statement. He said that he wanted to spend more time with his family and that his decision would be effective July 31.

His exit is expected to create a furious fight in the Senate over his replacement, and it could thrust the often overlooked issue of judicial selection to the forefront in close Senate races in this year's midterms.

Trump told reporters Wednesday that Kennedy, whom he said has "been a great justice of the Supreme Court," had come to the White House earlier in the day to inform him of his retirement plans. Trump said he asked Kennedy for recommendations as to his replacement but did not say how the retiring justice responded.

The president pledged that his pick for Kennedy's successor would come from lists of potential nominees he already circulated, starting during the 2016 election, when he campaigned on a promise to fill the seat formerly held by Justice Antonin Scalia with another conservative judge. The replacement process will "begin immediately," Trump said, adding, "hopefully, we will pick someone who is just as outstanding."

Senate Majority Leader Mitch McConnell (R-Ky.) — who in 2016 refused to allow a vote on then-President Barack Obama's nominee to fill Scalia's seat, saying voters should get a say at the ballot box — said Wednesday that the Senate would vote this fall on Kennedy's replacement,

before lawmakers elected in November's midterms are sworn in.

Senate Republicans lined up in support of filling Kennedy's seat quickly. Sen. Ben Sasse (R-Neb.), a frequent critic of the president who sits on the Senate Judiciary Committee, said in a statement that "the Senate ought to spend August and September confirming the next Justice."

Democrats, though, called McConnell a hypocrite for changing his stance from 2016. Sen. Chris Murphy (D-Conn.) called the majority leader's move "absolute hypocrisy," and Sens. Elizabeth Warren (D-Mass.), Kamala Harris (D-Calif.) and Ed Markey (D-Mass.) all expressed similar sentiments.

"Our Republican colleagues in the Senate should follow the rule they set in 2016, not to consider a Supreme Court justice in an election year," Senate Minority Leader Chuck Schumer (D-N.Y.) said on the Senate floor. "Anything but that would be the absolute height of hypocrisy."

Nominated to the court by President Ronald Reagan after the Senate rejected the more conservative Robert Bork, Kennedy grew to become the swing vote on the court, voting with its more liberal wing on landmark cases that upheld abortion rights and authoring the court's decisions in multiple cases on gay rights, including 2015's *Obergefell v. Hodges*, in which the court ruled that same-sex couples have the Constitutional right to marry.

He famously sided with the majority in *Planned Parenthood v. Casey*, a 1992 ruling that affirmed the constitutional right to abortion established in *Roe v. Wade*. Trump, like many conservatives, has voiced a desire to see *Roe* overturned.

But Kennedy has also swung key cases toward the conservatives as well, including notably in *Citizens United v. FEC*, a 5-4 decision in which the court ruled that government limits on political spending by individuals and organizations constituted a violation of the right to free speech. Of the 17 5-4 decisions handed down by the court in its most recent term, 14 were split along ideological lines, according to [Mother Jones](#). In all 14, Kennedy sided with the court's conservative wing.

Still, Kennedy's retirement came as a blow to many Democrats, and cries of "Oh" and "Oh, my God" punctuated a call between members of the Democratic National Committee's rules and bylaws panel as the news broke Wednesday.

Abortion is likely to loom large in the debate over replacing Kennedy. With just a 51-49 GOP majority in the Senate, Republicans can afford to lose only one vote in a confirmation fight. Two Republican senators, Lisa Murkowski of Alaska and Susan Collins of Maine, are both supporters of abortion rights.

"Because President Trump will nominate the next Supreme Court Justice, a woman's constitutional right to access legal abortion is in dire, immediate danger—along with the fundamental rights of all Americans," said NARAL Pro-Choice America President Ilyse Hogue in a statement on Wednesday.

Kennedy's decision, announced on the court's final day of releasing decisions for the current term, followed a quiet campaign by the Trump White House and its allies to convince Kennedy that it was a suitable time for him to retire and that his replacement would be an esteemed and reputable jurist.

Many court-watchers saw that motivation in Trump's selection last year of Neil Gorsuch, a former Kennedy clerk, to fill the vacancy created by Scalia's death in 2016.

At Trump's maiden speech to Congress last year, he took a moment to stop and chat with Kennedy. Kennedy's son Justin knows Donald Trump Jr. through work in New York real estate. Kennedy's other son, Gregory, worked briefly last year on the Trump transition team, handling financial issues related to NASA.

One Republican with knowledge of the White House's deliberations said two leading contenders to fill the vacancy were former Kennedy clerks Brett Kavanaugh, now a D.C. Circuit Court judge, and Raymond Kethledge, who sits on the U.S. Court of Appeals for the 6th Circuit.

White House legislative affairs director Marc Short said last month that Trump could consider nominating someone he has not yet named publicly if a vacancy arose. The president might pick someone seen as less stridently conservative for Kennedy's seat, since moderate Republican senators are likely to face pressure from the left not to confirm anyone viewed as too polarizing.

Other people mentioned as possible replacements for Kennedy include those who were interviewed by Trump for the seat Gorsuch eventually filled, 3rd Circuit Judge Thomas Hardiman, 11th Circuit Judge William Pryor and 6th Circuit Judge Amul Thapar.

Trump included on previous lists of potential Supreme Court nominees 7th Circuit Judge Amy Barrett, Supreme Court Justice Brett Grant, 11th Circuit Judge Kevin Newsom and Oklahoma Supreme Court Justice Patrick Wyrick. And conservative court-watchers have speculated that former George W. Bush solicitor General Paul Clement, who is the right's go-to litigator at the high court but was not on Trump's latest [list](#), and Sen. Mike Lee of Utah could be candidates for the spot.

Sen. Ted Cruz (R-Texas), speaking Wednesday to Fox News, said he would like to see Lee be the nominee. Asked by a CBS News reporter if he would be interested in an appointment to the Supreme Court, Lee [responded](#), "Of course."

*David Siders, Matthew Nussbaum and Eliana Johnson contributed to this report.*

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**Kennedy retirement tilts court right on climate, water** [Back](#)

Justice Anthony Kennedy's retirement will add the environment to the areas on which the Supreme Court will likely shift rightward at a time when major legal battles are wending their way to the justices.

For more than a decade, it has been Kennedy's sole view of which streams and wetlands should be protected under the country's foremost water law that reigned, shaping the cost of new housing developments, the location of coal mines and the health of the nation's waters.

And Kennedy cast the deciding vote in a landmark 2007 case that opened the door for EPA to regulate greenhouse gases. Both rules are among the most contentious actions of the Obama era that the Trump administration is working hard to undo or restrict.

Environmentalists, developers and farmers have been battling over the scope of the Clean Water Act since it was signed into law in 1972. In the turning point 2006 case *Rapanos v. United States*, the court's four conservative justices, led by the late Justice Antonin Scalia, took a limited view of which waterways should be federally protected, saying only that waterways that regularly flow into major rivers, and the wetlands directly next to them, should be covered. The court's liberal wing took an expansive interpretation, and Kennedy found himself in the middle.

Kennedy's stand-alone opinion in *Rapanos*, which argued that any creek, bog or marsh that has a "significant nexus" to downstream navigable waters warranted federal protection, has been broadly viewed by lower courts as the one to follow.

In 2008, the George W. Bush administration's EPA issued guidance hinged to Kennedy's "significant nexus" test, and when the Obama administration issued its 2015 Waters of the United States rule meant to clarify the reach of the 1972 law, it too was pegged to Kennedy's opinion. Expecting that challenges to the rule were likely to reach the Supreme Court, Obama's EPA used the phrase "significant nexus" more than 500 times in the Waters of the U.S. rule.

Even as court battles are raging in district courts over the legality of the Obama-era rule, the Trump administration has begun the process of repealing it and drafting its own, much narrower interpretation of the law pegged to Scalia's opinion. A draft of the proposal was sent to the White House for interagency review two weeks ago.

Legal experts generally considered the Trump administration's rewrite project to be a vanity project, likely to fall flat if it reached the Supreme Court for a review while Kennedy was still on the bench. Now, all bets are off.

Vermont Law School professor Patrick Parenteau said Kennedy was notable among the court's conservatives for the interest he took in learning about the science and complexity of the environmental problems before him.

"Nowhere was this more evident than in his concurring opinion in *Rapanos*, which has become the controlling test for evaluating what waters are protected under the [Clean Water Act],"



Parenteau said by email. "His leaving will doubtless have a major bearing on the outcome of the litigation over the Waters of the U.S. rule."

With many environmental cases often narrowly splitting the court, Kennedy frequently played a key role in the blockbuster environmental cases of recent decades.

Most importantly, Kennedy cast the crucial fifth vote in *Massachusetts v. EPA*, the 2007 case that set the stage for the last decade of political battles over climate change.

He joined the court's four liberal justices to rule that the Clean Air Act gave EPA the authority to regulate greenhouse gases, including carbon dioxide. The Obama administration used that ruling to justify sweeping new rules on cars and later power plants that the Trump administration is now working to undo.

Kennedy, along with Chief Justice John Roberts, also sided with the court's liberal wing in 2014 to uphold EPA's Cross-State Air Pollution Rule, which a lower court had thrown out. The rule, which limits pollution that hurts air quality in downwind states, helped drive utilities to shutter a number of older, dirtier coal-fired power plants rather than pay for new pollution controls.

But Kennedy did not always side with environmental interests. In 2015, he and the four more conservative justices ruled that EPA had wrongly failed to consider the cost of regulating when first deciding to limit mercury emissions from coal plants. Although that ruling did not completely derail the mercury rule, it opened the door for an ongoing effort at EPA to change how costs and benefits are calculated, a move critics argue will make it easier to justify not regulating pollution.

Kennedy also cast the fifth vote in 2016 to block the Clean Power Plan before the D.C. Circuit had even reviewed it, an unprecedented step. Neither the court nor Kennedy ever explained the decision.

Looking forward, the Supreme Court has two environmental cases on its docket this fall, with potentially more on the way: The court has agreed to weigh when habitat can be designated as critical under the Endangered Species Act. The justices will also decide whether Virginia's 36-year-old uranium ban is pre-empted by federal law.

In addition, the Supreme Court will decide whether an American Indian-owned fuel business is exempt from the state of Washington's gas tax.

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**Gas industry: We're a destination fuel, not a transition** [Back](#)

By Eric Wolff | 06/28/2018 05:00 AM EDT

Gas industry officials at the World Gas Conference have a message for renewable energy advocates: We're not your transition fuel.

Natural gas has long been touted as an energy source that can displace coal around the world and serve as a bridge fuel until cleaner power systems that run on renewables like wind and solar can take over. But gas industry executives said renewables alone won't be able to meet global energy needs, and they'll need gas to run power plants when sunlight and wind aren't available.

"I like the expression of gas as a destination fuel and not a transition (fuel)," Patrick Pouyanné, CEO of Total S.A. told the conference this week.

Gas executives argued that renewables can't keep up with growing energy demand, and natural gas will be needed for decades to come. Even European Union countries that have agreed to sharp cuts in greenhouse gas emissions are hoping to build new pipelines and LNG terminals that will keep gas flowing in for several decades, a trend will require capturing and sequestering the carbon dioxide it produces.

"Yes, renewable electricity will be grown massively, but it needs a partner," said Klaus Schäfer, CEO of German energy company Uniper SE. "Obviously gas need to become decarbonized itself, gas needs become green if it wants to be part of a decarbonized future in Europe."

Other energy executives said the vast scale of the power grid would require a fuel like gas for decades. Even with their fast growth in recent years, wind and solar only provide less than 8 percent of the U.S. power supply.

"We have to get to a point of not talking about 100 percent renewables, it just cannot happen," Barry Perry, CEO of Fortis, a gas and power company with operations in the U.S. and Canada, told POLITICO. "When we talk about the big grid, you need that base generation to make it all work. ... We can do more renewables over time, but the grid is going to need some of the base generation for a very long time into the future."

Gas executives acknowledged that renewables will continue their fast growth, and they said gas turbines will provide critical ramping services on the power grid as well as keeping the lights on when the wind and solar can't. And with recent studies by the Energy Information Administration, the International Energy Agency, and others suggesting the world energy demand is likely to jump as developing nations electrify, gas will still be required.

"This is a challenge on a scale not faced before by humanity," De la Rey Venter, executive vice president for Shell's Integrated Gas Ventures, told an audience on Tuesday. "Renewable energy will play a major role in meeting this challenge. But renewables alone cannot transform the power sector. Today gas is ideal to handle to variability of the solar and wind."

Executives like Perry and Didier Holleaux, executive vice president for French utility Engie, said they doubted whether renewables could to handle the enormous projected energy demand needed as Asian countries expand their electricity networks and vehicles shrink their dependence on oil-

based fuels. And despite some recent successes of renewables-plus-storage projects in the U.S., they don't believe batteries can compete with natural gas to supply the amount of energy that will be needed.

"In comparison batteries will always be an order of magnitude in cost — 1,000 times more expensive, today it's 2,000 times more expensive," Holleaux said. "Even if you think the cost will decrease, the cost of storing energy in gas is far cheaper."

Gas executives still see coal as their chief competition, not renewables.

"Outside the developed world, the whole point is to get energy in increasing amount," said Laurent Vivier, president for gas for Total. "There is a choice that is very obvious to them: there is coal on the one side and gas on the other."

"America has 100 years of gas of proven reserves, Canada has 200 years," he added. "It's an amazingly abundant resource, it is a foundational fuel, not a transitional fuel."

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**Exclusive: Zinke linked to real estate deal with Halliburton chairman** [Back](#)

By Ben Lefebvre and Nick Juliano | 06/19/2018 05:05 AM EDT

WHITEFISH, Mont. — A foundation established by Interior Secretary Ryan Zinke and headed by his wife is playing a key role in a real-estate deal backed by the chairman of Halliburton, the oil-services giant that stands to benefit from any of the Interior Department's decisions to open public lands for oil exploration or change standards for drilling.

A group funded by David Lesar, the Halliburton chairman, is planning a large commercial development on a former industrial site near the center of the Zinkes' hometown of Whitefish, a resort area that has grown increasingly popular with wealthy tourists. The development would include a hotel and retail shops. There also would be a microbrewery — a business first proposed in 2012 by Ryan Zinke and for which he lobbied town officials for half a decade.

The Whitefish city planner, David Taylor, said in an interview that the project's developer suggested to him that the microbrewery would be set aside for Ryan and Lola Zinke to own and operate, though the developer told POLITICO that no final decisions have been made.

Meanwhile, a foundation created by Ryan Zinke is providing crucial assistance. Lola Zinke pledged in writing to allow the Lesar-backed developer to build a parking lot for the project on land that was donated to the foundation to create a Veterans Peace Park for citizens of Whitefish. The 14-acre plot, which has not been significantly developed as a park, is still owned by the foundation. Lola Zinke is its president, a role her husband gave up when he became interior

secretary.

The Zinkes stand to benefit from the project in another way: They own land on the other side of the development, and have long sparred with neighbors about their various plans for it. If the new hotel, retail stores and microbrewery go through, real estate agents say, the Zinke-owned land next door would stand to increase substantially in value.

Lesar, who also served as Halliburton's chief executive until last year, is providing money to back the hotel and retail development, according to business records and officials at Whitefish city government and Halliburton. He also has a longstanding relationship with the Zinkes. In 2014, he and his wife, Sheryl, gave \$10,400, the maximum allowed by law, to Zinke's first House campaign. His only other federal contributions that year were to Halliburton's PAC and the campaign of Rep. Liz Cheney, whose father, Dick, ran the company before becoming George W. Bush's vice president.

Ryan Zinke did not respond to a list of specific questions but said in a statement that he "resigned as president and board member" of the foundation "upon becoming secretary."

The foundation's 2018 annual report to the state of Montana, however, lists Ryan Zinke as an officer, with Lola Zinke as president and their daughter as treasurer. Zinke said the report was in error and he would seek to amend it.

In his statement, Zinke declared: "The mission remains to provide a children's sledding park and community open space in a setting that recognizes the contributions of the railroad and the veterans to the community. ... The subject LLC you mention has been in contact with Lola with the intent of expanding their parking requirements on park property. I understand a concept was provided but no formal proposal or documents have been submitted or agreed upon. I also understand by reading the paper is their proposal is supported by the City Council."

He did not respond to questions about the microbrewery, the involvement of Lesar or Lesar's status as chairman of Halliburton.

Lola Zinke did not respond to questions left on her Facebook page or messages left at the family's Montana home. Neither Jennifer Detlefsen, the Zinkes' daughter and the foundation's treasurer, nor the foundation's law firm of Frampton Purdy Law, responded to questions.

In Whitefish, the plan to use land that was donated to the Zinkes' foundation as a public park to further a private development strikes residents as a surprise.

"I've never been clear exactly what his intentions are for the place," said Steve Thompson, who lives near the park and supported Zinke early in his career but has since grown disillusioned with him. He described the current state of the land as "sort of a big puddle, a mudhole puddle."

The involvement of the interior secretary's family in a multimillion-dollar project funded by the chairman of an energy-services giant — revealed here for the first time — is rife with conflicts of interest, ethics experts say, especially since Zinke's job as interior secretary makes him the

custodian of more than 500 million acres of public land and head of a department that sets technical and safety standards for pipelines and drilling.

Halliburton is the largest American oil-services company, drilling wells and building rigs. It stands to benefit from any new oil and gas exploration on public land or offshore — something the Trump administration has promised to promote — and the company has frequent dealings with the Interior Department in its regulatory capacity.

For example, federal disclosures show that Halliburton's in-house lobbyist met repeatedly with Interior officials to discuss the department's policies on hydraulic fracturing, the oil extraction procedure that some studies have linked to groundwater contamination and earthquakes. Under Zinke, the department last year rescinded Obama-era rules that restricted fracking on federal land, a decision that directly benefited Halliburton, one of the world's leading fracking companies.

Marilyn Glynn, who was acting director of the Office of Government Ethics under former President George W. Bush, said the foundation's involvement in a deal backed by the chairman of Halliburton is clearly inappropriate and, at minimum, should force Zinke to recuse himself from any policy decisions affecting Halliburton.

"That Halliburton's chairman would almost be a business partner of Zinke or his wife, he would have to recuse himself from anything involving Halliburton," said Glynn, adding that the relationship clearly crosses ethical lines.

She suggested the Trump administration should set a higher ethical standard.

"In a previous administration, whether Bush or Obama, you'd never run across something like this," she said. "Nobody would be engaging in business deals" with executives whose companies they regulate.

Amy Myers Jaffe, a longtime energy analyst now working at the Council on Foreign Relations, said the Interior Department, in setting specifications for rig equipment and how much methane can leak from pipelines, has the power to make Halliburton's business more or less profitable.

"They spend a tremendous amount on R&D to comply" with government regulations, Jaffe said of oil-service companies. "You wouldn't want Interior to change specifications and make that equipment no longer commercially viable."

She added that Zinke's conflicts could extend to investigations of accidents involving Halliburton's equipment.

"One thing that is most concerning is if Interior would be called upon to investigate the procedures of a service company offshore" in case of an accident, said Jaffe. "A tight relationship [between the interior secretary and the company] would be problematic."

Executive branch officials such as Zinke are subject to conflict-of-interest rules requiring that

they recuse themselves from government decisions involving people with whom they or their close relatives have a financial relationship.

Craig Holman, a specialist in federal ethics laws for the advocacy group Public Citizen, said Lola Zinke's efforts to help the development backed by Lesar would amount to a financial relationship.

"Entering this type of business relationship could very clearly open the doors [of government] to business interests that have stakes before the office holder," Holman said. "Clearly, any substantial development project next to the vacant lot owned by Zinke's foundation would significantly boost the value of the lot. The conflict-of-interest statute would be invoked if even the nonprofit on which Zinke or his spouse serves as an officer, as either paid or unpaid officers, derives a financial benefit."

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After 23 years as a Navy SEAL, Ryan Zinke retired from the military in 2008 and returned to Whitefish, the mountain city of roughly 6,000 people where he grew up and where his father and grandfather ran a plumbing business.

It was, however, a changed community, increasingly popular with tourists and second homeowners for its pristine isolation and proximity to Glacier National Park.

A city that began as a stopping place for freight trains carrying lumber from the state's thriving timber industry was fast becoming an upscale resort. In 2009, the year after Zinke's retirement, about 17 percent of households were making more than \$100,000 a year, according to the U.S. Census Bureau. By 2016, 23 percent of Whitefish households were making that much, adjusted for inflation.

Whitefish is a particular magnet for California tech entrepreneurs and oil barons from Canada and Texas who have built homes valued at more than \$1 million each. Lesar is one of them. He currently has a home behind a gate on a private road looping up one of the nearby mountains.

As the then 46-year-old Zinke planned his future, he began laying the groundwork for business and political careers more or less simultaneously, and sometimes on parallel tracks. Launching a nonprofit foundation to build a park in Whitefish was one of the first things he did to reintroduce himself to the community, which helped bolster his credentials for office.

The foundation's first big donation was from BNSF Railway, the nation's largest freight railroad, with more than 32,500 miles of track. The railway is one of the state's biggest landowners, with extensive business before the state government.

Zinke proudly announced that the donated land would be used for what he dubbed "the Great Northern Veterans Peace Park." In announcing the gift, he touted his own career in uniform and described the park as a gift to Whitefish. His intent was to combine the railway land and an adjacent city-owned hill into "a children's winter sledding park in a setting that recognizes the

contributions of the veterans and the railroad to the local community," according to the nonprofit's publicly available IRS forms.

"The theme of this park is to celebrate life — why veterans fight," Zinke told a local newspaper in February 2008.

That same year, he filed paperwork to run for the state Senate.

He won the race and, shortly after taking office, cast the deciding committee vote on a bill that strongly benefited BNSF. The bill would have pumped millions of taxpayer dollars into railroad construction through a publicly funded Montana Rail Authority.

Jeff Mangan, Montana's commissioner of political practices, said the vote, coming so soon after Zinke accepted a donation of land from the railway, would have violated the Legislature's code of conduct if he did not disclose the relationship. "If there's an appearance of conflict of interest, they have a duty to disclose that conflict before a vote," Mangan said. But enforcement of that requirement can be "fairly laid back," he said.

There is no record of Zinke making a formal disclosure of his relationship with BNSF before the vote, and Zinke did not respond to questions on the matter.

Ultimately, then-Gov. Brian Schweitzer vetoed the legislation for the Montana Rail Authority, saying he was concerned "that public money will be targeted to build infrastructure that should be rightly financed by the private sector."

BNSF continued to donate more land to the Veterans Peace Park with adjoining parcels being given to Zinke's foundation in 2010 and 2013.

BNSF spokesman Ross Lane said in an interview, "We would firmly reject that there is any quid pro quo on the donations" for the Veterans Peace Park.

The land remains mostly in a natural state, and is only lightly utilized, except when local children use it for sledding, as they had before Zinke's foundation acquired the land. On a recent spring day, the only inhabitants were a pair of Bufflehead ducks sharing a retaining pond that dominates the property with a discarded inner tube.

Nonetheless, even in an undeveloped state, the land is now valued at more than \$500,000, according to the group's 2016 tax returns, the most recent publicly available. The tax returns also show monetary gifts to the foundation, which increased as Zinke's political career advanced.

In 2012, when Zinke launched an unsuccessful bid for lieutenant governor, the foundation took in \$30,000, according to tax records. In 2014, when Zinke ran for the House, the foundation again received \$30,000 in contributions and saw its cash holdings grow from \$118 to \$23,743 over the course of the year. The foundation raised \$36,000 in 2015, before seeing its contributions fall to \$5,000 the following year, the last before he became interior secretary.

The Zinkes reported that they gave the foundation \$10,000 in 2012, but the source of the rest of the contributions is undisclosed. That lack of transparency is a common concern when politicians control their own charities, said Melanie Sloan, a senior adviser at government ethics watchdog group American Oversight.

"The main concern is it's another way for donors and corporations to curry favor with politicians," Sloan said. "If he's doing something to benefit those making donations, it's invisible to us. It undermines the whole interest of transparency."

Even as the park continued to lie fallow, Ryan and Lola Zinke turned their attention to pieces of land that they own through various LLCs. In December 2012, while Ryan was preparing to leave the state Senate, the Zinkes announced that they wanted to turn his childhood home into a B&B called the Snowfrog Inn, and also to build a microbrewery on their development land across the street. They planned to call the brewery "Double Tap," which is a Navy SEAL term for two gunshots.

Both proposals required public approvals, which put Zinke — one of the state's rising political stars — in a position of arguing before local politicians. He was steadfast in calling for more commercial development in the face of neighbors' complaints about traffic and noise.

The City Council appointed Zinke to a special steering committee of local residents to explore ways to develop the area where the Zinkes' land was located. The committee included 13 residents of Whitefish, just two of whom lived in the neighborhood, Zinke and one other.

The committee recommended opening the area for greater commercial development. The City Council and mayor endorsed the plan.

While the larger planning process was playing out, Zinke won approval in 2013 for the B&B without a microbrewery across the street, as he had initially proposed. The Snowfrog Inn website states that it is still under construction.

By 2015, Zinke was back before the City Council, this time in his first term as Montana's sole representative in the U.S. House, arguing passionately for the committee plan to expand development, according to a video of the meeting. He cited his microbrewery proposal as the impetus for the changes to the planning process.

"In regards to a brewery, I've asked for a brewery because that's what started this whole process," Zinke declared at a contentious May 4, 2015, council meeting, referring to the changes to the city's planning rules that he had helped orchestrate.

Neighborhood activists continued to raise objections, insisting that Zinke had done little in the 29 months since announcing his microbrewery proposal to assuage their concerns about noise and traffic. But Zinke told them they were outnumbered.

"The same people are going to be against it tomorrow as was at the beginning, but most of the strong majority of the steering committee, which represented every bit of the neighborhoods ...



all came to the same conclusion, that this [planning change] should stand," Zinke said, according to a video of the meeting.

The changes to the planning process did not lead to approval of the microbrewery on the Zinkes' own development parcel, but they opened the doors to a new proposal for a multiuse development on a much larger plot — a former timber-company lot — between the Zinkes' land and the veterans' peace park that they controlled.

The project, known as 95 Karrow, named for the avenue on which the land sits, was launched in September of last year. Two days after the partnership backing the development was established, Lola Zinke, in her capacity as president of the foundation controlling the peace park, signed an official letter of intent to allow the construction of a parking lot for customers of the microbrewery and other businesses on the parkland, which the developers included in their proposal. The letter said the specific terms of the agreement would be worked out by the parties.

Taylor, the Whitefish city planner, told POLITICO that the developers "certainly implied that they were working with [Zinke] to find a place for his microbrewery as well as a shared use agreement for parking on the peace park."

At least two project maps submitted to the city mark off space specifically for a microbrewery adjacent to the parking lot. The letter Lola Zinke signed and submitted to Whitefish City Council states "it is the intent of the GNVPP Foundation to concur with the general design of the parking, micro-brewery, multiple use path, fence and other supporting elements" of the redevelopment project. Attached to that letter is a map with a handwritten notation indicating a "border adjustment" that would appear to carve out the microbrewery site from the rest of the property.

The parking lot is also meant to serve the park if the foundation ever does anything with the rest of the 14-acre parcel it owns.

The developers of the hotel, microbrewery and retail shops are a partnership known as 95 Karrow LLC, which itself is controlled by two individuals and three other entities, according to business registration records filed with Montana's secretary of state. The two individuals are John and Katie Lesar, who are the son and daughter-in-law of Halliburton's chairman, according to a [biography](#) his wife, Sheryl, wrote for a local nonprofit, where she serves as a board member.

Two of the other entities, BADF LLC and KCM Enterprises Inc., are linked to Bruce Boody, a local architect who worked with the Zinkes on their B&B proposal, and a local developer named Casey Malmquist, according to Montana business records. The third, Greenstream Resources LLC, lists a Texas address but does not disclose any owners in records filed there. However, the P.O. Box it uses matches the address of another business, First Floor Properties LLC, that lists David Lesar as its "general partner" and other family members among its management.

Both Malmquist and a Halliburton official confirmed that David Lesar is a member of the Greenstream Resources LLC, which is expected to provide a significant portion of the financing for the 95 Karrow project.

Halliburton spokeswoman Emily Mir said the company had no comment on Lesar's involvement in the project, calling it a private investment that Lesar was making outside his role in the company.

Malmquist, who is leading the development project, said that talk of Zinke owning a brewery on the site was premature, as no final decisions have been made on what type of businesses the redevelopment will contain.

"If and when we get to that point, Ryan Zinke, or anyone else that is interested, can purchase a parcel of property, properly located on the development by use and per zoning, and develop a project that is permitted from the standpoint of zoning designations that determine the permitted uses on the development parcel, as well as following the [covenants, conditions, and restrictions] that are yet to be developed for the property," Malmquist said in an email.

\*\*\*

The Zinkes' mixing of their nonprofit role as stewards of the Great Northern Veterans Peace Park Foundation with their role as landowner and developer echoes other ethical concerns raised about the couple.

In 2012, Ryan Zinke formed a super PAC called Special Operations for America, through which he raised money from donors to attack then-President Barack Obama's reelection campaign for taking credit for the death of Osama bin Laden. Over the following year, the group paid nearly \$40,000 to an LLC established by Ryan and Lola Zinke called Continental Divide International for "strategy consulting" and "fundraising consulting" and to reimburse travel expenses.

Only \$7,000 of the more than \$180,000 the group raised in 2012 went to efforts to influence the election, according to the group's FEC filings.

The super PAC was Zinke's foray into a world of political fundraising that would carry through to his time in the Trump administration. Less than a month after being sworn in as interior secretary, he appeared at a fundraiser in the Virgin Islands for another PAC that has been criticized for spending vastly more on administrative expenses than on campaign activities.

The Virgin Islands GOP PAC has raised \$5.7 million since its inception in February 2015. It has spent \$76,000 — just 1.3 percent — on congressional candidates, including \$3,500 to Zinke's campaign and SEAL PAC, a subsequent group he launched after his election to the House.

Meanwhile, two of Zinke's top aides at Interior, chief of staff Scott Homell and counselor Vincent DeVito, were previously on the payrolls of Special Operations for America and SEAL PAC, respectively.

Earlier this year, the Interior Department's internal watchdog criticized Zinke for obscuring his personal interest in some ostensibly official duties — an incident that involved another Whitefish resident, Fidelity National Financial Chairman Bill Foley, who was one of Zinke's biggest political donors.

Zinke charged taxpayers more than \$12,000 last June for a late-night charter flight from Las Vegas, where he had spoken to a National Hockey League team Foley owns, to Whitefish for meetings at the Western Governors Association that were being held there the following day.

Speaking to the Las Vegas Golden Knights was a favor to a friend and donor. He "first mentioned during his initial ethics briefing in March 2017 that he wanted to speak to a friend's hockey team," according to a report from the IG. He did not mention any specific aspects of his job as interior secretary during the speech, which focused on his time as a Navy SEAL. After Zinke and his staff made plans for the speech, the Interior Department started to schedule an event for him to announce Payment In Lieu of Taxation grants, routine business that is typically handled with a news release.

The IG's investigation found that the charter flight could have been avoided with better scheduling, and that Zinke's prior relationship with Foley should have been disclosed in advance to ethics officials who had reviewed the trip.

Foley, a West Point graduate who grew up in the Texas panhandle, has been a major presence in Whitefish since buying a home there in 2005. That same year, he purchased a majority share in Winter Sports, the company that runs the Whitefish Mountain Resort in the town. He soon bought Glacier Jet Center, a private airport about 20 minutes outside the city.

Foley's development projects, like David Lesar's and the Zinkes', are signs of just how far Whitefish has come since Zinke's childhood. The Pastime Pool Hall and Bar, which Zinke fondly remembered in his autobiography as where his grandfather used to socialize, has been renamed "The Bulldog," although not much else about it has changed. But the city also boasts a crepiere, an artisanal olive oil shop and a camping store that sells "overnight yurts." A new yoga studio stands about a minute's walk down the block from Zinke's boyhood home.

"It's gone from a dirty ski town to pretty bougie," said Cale Knox, a Whitefish native and employee at the Red Caboose coffee shop downtown. In a sign of the times, tech venture capitalist Michael Goguen recently bought the Red Caboose, and there is rumor that it will become a wine bar.

Only a mile away is the open land that Zinke dubbed his Veterans Peace Park. Ten years after the railroad donated the first piece of land, locals are as flummoxed as ever about what will happen to it. The situation has left some residents worried that what was pitched as an attempt to provide a green space dedicated to children and veterans was instead used to build Zinke's political profile.

"It was something to put on his résumé," Whitefish City Council member Richard Hildner said of the park during a visit there. "Now, it just sits here."

*To view online [click here](#).*

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## **Zinke seeks to explain meeting with Halliburton chairman** [Back](#)

By Ben Lefebvre | 06/27/2018 04:40 PM EDT

Interior Secretary Ryan Zinke sought Wednesday to explain his role in a real estate deal involving a nonprofit he launched and developers backed by the chairman of Halliburton, a major energy company with extensive business before his department.

In his first public comments on the deal since it was [first reported by POLITICO](#) last week, Zinke acknowledged meeting with Halliburton Chairman Dave Lesar and other developers in his Interior Department office, but said his involvement was limited to providing them background on the nonprofit and the land it owned, which had been donated by BNSF Railway years earlier. The developers all live in or near Whitefish, Mont., the secretary's hometown where the development would be built.

"And then Dave Lesar and his son, who is developing a piece of property next door, they don't understand, when they had the property, actually, the Veterans Peace Park owns the lot next door. So they come and say, 'Hey, what's the background?'" Zinke said on [Voices of Montana](#), a talk radio program broadcast throughout the state, referring to the August 2017 meeting. He added, "We go out to dinner. We talk about the background of the park. What are the neighbors like. What was the vision of the park. Where the boundaries are. Where the water table is, because the water table has changed over time. What the railroad is. So they have the background."

About a month after that meeting, Lola Zinke, the secretary's wife and now president of the foundation, signed a letter of intent to allow the developers to build a parking lot on its land in Whitefish, a move that could increase property values for parcels the Zinkes own nearby and that a city planner said could result in Zinke running a microbrewery on the site. Zinke did not address the microbrewery or his other real estate holdings in Whitefish on the radio program Wednesday.

House Democrats are calling for Interior's inspector general to investigate whether the deal may have violated conflict of interest rules. Zinke's role at Interior places him as one of the chief regulators overseeing oil and gas drilling activities, including those performed by Halliburton, one of the world's largest fracking and offshore drilling services companies. The inspector general's office is looking into the lawmakers' request before determining whether to launch a full investigation, a spokesperson for the internal watchdog told POLITICO Wednesday.

Zinke launched the Great Northern Veterans Peace Park Foundation after receiving his first donation of railroad land from BNSF in 2008. The land remains largely undeveloped, but Zinke told the Montana radio host Wednesday that his foundation has "added 27,000 tons of material. We've redone roads. We groom it."

In the interview, Zinke said he resigned from the park foundation board after joining Interior. He

told POLITICO earlier that he had no involvement in the park's business, though one of the developers in question, Casey Malmquist, [said he visited Zinke in Washington, D.C.](#), in August to discuss the development plans. Malmquist also emailed project development maps to Zinke, according to Interior emails.

Zinke attacked reports on the project without disputing any particular details.

"Clearly, I'm not on the board anymore. My wife runs the board. And they make a letter of intent for my wife that, you know what, the community is for this project, the city approves it, it's a good project for Whitefish, we'll share some parking lots with you. That's it. And this nefarious reporter comes to Whitefish — my hometown — lies to the city on record, lies to the developer on record, takes pictures of an inner tube in the park, and promulgates this story that somehow it's about Interior and Halliburton. This is exactly what's wrong with the press, and the president has it right. It's fake news. It's knowing, it's willing, to willingly promulgate fake news."

An Interior spokesperson did not immediately reply to questions. Interior spokeswoman Heather Swift has said [in the past](#) that the matter was not a department issue.

POLITICO stands by its reporting.

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## **EPA pulls methane information request [Back](#)**

By Alex Guillén | 03/02/2017 04:36 PM EDT

EPA says more than 15,000 oil and gas companies no longer have to report detailed technical information about methane emissions from their operations.

The move was announced via a Federal Register [notice](#) that will be published on March 7 but will take immediate effect.

It is the agency's first step away from an Obama-era plan to regulate methane emissions from existing oil and gas operations. EPA in November directed oil and gas operators to respond to an "information collection request" on the topic that the agency estimated would cost companies, which are required by law to respond, about \$42 million in total.

"By taking this step, EPA is signaling that we take these concerns seriously and are committed to strengthening our partnership with the states," EPA Administrator Scott Pruitt said in a release. "Today's action will reduce burdens on businesses while we take a closer look at the need for additional information from this industry."

EPA also noted it received a letter on Wednesday from eleven state attorneys general or

governors, including new Oklahoma Attorney General Mike Hunter, asking EPA to drop the "onerous" request.

To view online [click here](#).

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**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** Chancellor, Erin  
**Sent:** Tue 6/19/2018 3:58:33 PM  
**Subject:** Options  
Meeting Notes Oklahoma City Utilities 6.11.18.docx  
wilcox source control draft PPlan factsheet summary 6-14-18.docx

Options below. Calling R6 to discuss and will follow up with you, but in the meantime, I'd say

**Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

# **Ex. 5 - Deliberative Process**

**Erin E. Chancellor**

Counsel to the Administrator

U.S. Environmental Protection Agency

**Ex. 6 - Personal Privacy**



**Ex. 6 - Personal Privacy**

chancellor.erin@epa.gov

**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** POLITICO Pro Energy  
**Sent:** Thur 4/26/2018 9:44:10 AM  
**Subject:** Morning Energy: Pruitt steps up to the plate — Tester's 'great equalizer' — Bishop still talking NEPA

By Kelsey Tamborrino | 04/26/2018 05:42 AM EDT

*With help from Anthony Adragna*

**PRUITT STEPS UP TO THE PLATE:** Scott Pruitt makes his eagerly anticipated trip to the Hill this morning, and the stakes couldn't be higher for the embattled EPA administrator. His appearances before the House E&C Committee in the morning and Appropriations panel in the afternoon — ostensibly to defend the Trump administration's proposed cuts to EPA's budget — will give lawmakers their first opportunity to directly question Pruitt since the news broke about his heavy spending, sweetheart condo rental, VIP security and first-class flights. And while both Democrats and Republicans are expected to pull no punches as they weigh Pruitt's behavior, the real audience will be sitting in 1600 Pennsylvania Ave.

**Check out this graphic breakdown** of Pruitt's problems by POLITICO's Emily Holden, Alex Guillén and your ME host.

— **The administrator has kept a low profile** in the lead-up to today's events — even leaving press out of a Tuesday announcement on his plan to ban secret science — but expect the cameras to be out in force this morning. ME breaks down what to expect today as Pruitt heads for the batter's box. (ME is also taking suggestions for an appropriate walk-up song. One option here.)

**THE GAME PLAN:** Pruitt will point out he now flies coach when he travels, and shift the blame to staffers for the raises given to two of his close aides, according to a talking points document — dubbed "hot topics" — obtained by The New York Times. He will likely also say officials who were reassigned or demoted after challenging his spending all had performance issues.

— **EPA did not dispute the authenticity** of the Times document, but spokesman Jahan Wilcox said Pruitt would tout "the accomplishments of President Trump's EPA," including "working to repeal Obama's Clean Power Plan and Waters of the United States, providing regulatory certainty, and declaring a war on lead — all while returning to Reagan-era staffing levels." You can read Pruitt's full opening statement for the E&C hearing here.

**DEMOCRATS WILL SEARCH FOR ANSWERS:** The afternoon session is expected to dive into Pruitt's proposed deep cuts to the agency's budget and his deregulatory actions, but that doesn't mean Democrats will ignore the ethics woes dogging the embattled chief. "Administrator Pruitt, you are letting the American people and your agency down," Rep. Betty McCollum, ranking member of the Appropriations subpanel, plans to say. Democrat Nita Lowey, the ranking House appropriator, will question Pruitt on the Antideficiency Act after the Government Accountability Office found EPA illegally failed to notify Congress about the cost of his secure phone booth. Meanwhile, E&C's top Democrat Frank Pallone wouldn't tip his hand: "I just hope

he shows up," he said when ME asked for his plan of attack.

— **House Energy and Commerce Democrats** will hold a news conference at 9 a.m. to once again call for Pruitt's ouster. Kathy Castor and Paul Tonko will attend, alongside representatives from numerous green groups.

**REPUBLICANS OFFER SOME ADVICE:** "Answer the questions and stay calm," John Shimkus said. "And the time will eventually end." The Illinois Republican didn't let on about his line of questions to Pruitt, but added: "It's not going to all be addressing stewardship issues. There are going to be policy questions."

— **Fellow Oklahoman and member of the Approps committee** Tom Cole expects the "highly charged" hearing to contain some "pretty much straight budget questions" — at least from the Republican side. Cole said he recently spoke to Pruitt on the upcoming hearing and warned him it would be "rugged."

**Keep in mind:** None of the committee Republicans said they'd been in contact with the White House ahead of the session. Shimkus said the Republicans hadn't huddled ahead of time to develop a game plan as they sometimes do with high-profile hearings. And Democrats are expected to turn out in force — E&C members not on the Environment subpanel will "waive in" to the hearing. They don't need GOP permission to do so, but will have to wait until all subcommittee members participate before asking questions. ME would look here for especially fiery questions or any surprises.

**STRIKE 3?** Pruitt's critical audience, of course, will be President Donald Trump, who has so far stuck by him, but is expected to judge how Pruitt fares in front of the cameras, POLITICO's Anthony Adragna and Nancy Cook report. So far, Pruitt's support among Trump's conservative backers has kept him on solid ground, despite the growing resentment of a "high maintenance" EPA chief among White House officials. "The president is always nervous about offending his base, and Pruitt has real support in the base," said one Republican close to the White House. "If that base diminishes, he does not have a chance of being reelected. He generally likes what Pruitt is doing over there, but he has no relationship with Pruitt of any note. He could get someone else."

**IN THE OUTFIELD:** Environmental group Defend Our Future will hand out first-class boarding passes today at the Pruitt hearing, while Moms Clean Air Force will deliver these report cards. And the League of Conservation Voters and its state partners will launch television ads today urging Sens. Dean Heller and Cory Gardner to hold Pruitt accountable. Watch them here and here.

**If you go:** The E&C hearing will begin at 10 a.m. in 2323 Rayburn, and the Appropriations hearing at 2 p.m. in 2007 Rayburn. Watch the livestreams here and here.

**IT'S THURSDAY!** I'm your host Kelsey Tamborrino, and the American Petroleum Institute's Jeff Stein was the first to name Khartoum, Sudan — the capital city where the Blue and White Niles meet to form the Nile. For today: Name the state where the first officially designated

Democratic floor leader hailed. Send your tips, energy gossip and comments to [ktamborrino@politico.com](mailto:ktamborrino@politico.com), or follow us on Twitter [@kelseytam](https://twitter.com/kelseytam), [@Morning\\_Energy](https://twitter.com/Morning_Energy) and [@POLITICOPro](https://twitter.com/POLITICOPro).

**POLITICO's Ben White is bringing Morning Money** to the Milken Institute Global Conference to provide coverage of the day's events and evening happenings. The newsletter will run April 29 - May 2. **Sign up to keep up with your daily conference coverage.**

**PUBLIC LANDS CRUCIAL FOR TESTER:** Democratic Sen. [Jon Tester](#)'s bid for reelection could come down to how he handles public lands issues, Pro's Kevin Robillard reports. Close to one-third of the land in Tester's home state of Montana is under federal government ownership, and the Democratic senator hopes to use it to keep on board those who voted Trump — including hunters, hikers, snowmobilers and ranchers. "Public lands is one of the great equalizers. It's part of who we are," Democratic Gov. Steve Bullock told Kevin. "It doesn't matter what our political beliefs are, it's a core part of our lives."

**Tester's strategy is part of a larger effort by Democrats** in the West to emphasize lands. Bullock emphasized it in his reelection bid in 2016 and New Mexico Sen. [Martin Heinrich](#), who is expected to easily win reelection in 2018, started his reelection bid with a video focused heavily on public lands issues. And Democratic strategists think it can help them in states throughout the interior west. "There a lot of people here who are single-issue voters, and that issue is public lands," said Nick Gevock, the conservation director at the Montana Wildlife Federation. Read [more](#).

**DEMOCRATS CALL FOR SPECIAL COUNSEL:** In a letter Wednesday to the U.S. Office of Special Counsel, Pallone and Oversight ranking member [Elijah Cummings](#) requested an investigation into whether there is a pattern of problematic personnel practices at EPA. The Democrats point to recent reports of agency officials being reassigned, demoted or requesting new roles, after voicing concerns on Pruitt. "The reassignment or dismissal of employees who questioned Administrator Pruitt's wasteful and potentially unlawful expenditures suggests a troubling pattern of retaliation against EPA employees that may be illegal," they write. Read the letter [here](#).

**BISHOP STILL TALKING NEPA:** House Natural Resources Chairman [Rob Bishop](#) told ME he's been in contact with administration officials "over the last few weeks" about a series of modifications to NEPA that he says "run the gamut." His two overarching goals are to speed the permitting process and to enact categorical exclusions that will limit litigation to allow projects to advance more quickly. "It's one of the consistent problems they recognize," he said of the administration's engagement on NEPA.

**Apples to oranges:** Controversy over [\\$139,000 spent on doors](#) at Interior is not comparable to spending woes engulfing Pruitt, according to Bishop. "There are some real issues and there are some issues that we play around with," he said. "This is one I think people are playing with." Interior officials said previously that career facilities and security officials recommended the work and that Secretary Ryan Zinke was not aware of it.

**THAT DAM BILL:** The House passed a heavily watched measure, [H.R. 3144 \(115\)](#), Wednesday that would override a court decision requiring changes in the operations of major hydropower dams in the Pacific Northwest to help protect endangered salmon. The measure, from Washington Rep. [Cathy McMorris Rodgers](#), passed by a nearly party-line vote of 225-189, and now heads to the Senate, where some of the region's Democratic senators have [made known](#) their opposition. Pro's Annie Snider breaks down more [here](#).

**REFINERY WORKERS HIT THE HILL:** Close to 100 workers from refineries Monroe Energy, Philadelphia Energy Solutions and PBF Energy will rally for their jobs and Renewable Fuel Standard reform on the Hill today, the United Steelworkers said. The rally begins at 1 p.m. in the "Senate Swamp" — the grass across the drive from the east Senate steps. Texas Sen. [Ted Cruz](#) will participate in a press conference with the workers at the same time. Watch the livestream [here](#).

**OFF-SHORE UP SUPPORT:** While it didn't have quite the same build-up as Pruitt's hearings this morning, the House Natural Resources energy and mineral resources subcommittee will hold a hearing today on offshore energy revenue sharing for Gulf-producing states, with a focus on the Gulf of Mexico Energy Security Act. Democrats intend to call out the oil and gas industry and demand they take responsibility for their role in causing the destruction of Louisiana wetlands, according to a release. Former Sen. Mary Landrieu (D-La.), now a senior policy adviser at Van Ness Feldman, and John Barry, former board member of the Southeast Louisiana Flood Protection Authority — East, will testify, among others. **If you go:** The [hearing](#) begins at 10 a.m. in 1324 Longworth.

**GET YOUR COMMENTS IN:** [Comments](#) are due today on EPA's proposed repeal of the Clean Power Plan. The Competitive Enterprise Institute, for one, will file a comment today in support of the proposed repeal, calling the CPP "unlawful." Close to 20 other individuals from free-market groups signed onto the joint comment. Google, meanwhile, submitted its own comment Wednesday "respectfully" urging EPA to forgo the repeal. "Google continues to believe that the Clean Power Plan aligns with overall electricity sector trends and the specific goals of our company," [it says](#). The Natural Resources Defense Council and NRDC Action Fund said it generated 208,000 comments in support of keeping the CPP.

**MAIL CALL! IN THE AIR TONIGHT:** California Sen. [Dianne Feinstein](#) wrote to Transportation Secretary Elaine Chao Wednesday, calling on her to maintain national fuel economy standards set by California under the Clean Air Act. "I ask for your commitment to maintain the Corporate Average Fuel Economy standards at the maximum feasible level, as required by law, and to seek consensus with California so that we can continue to enjoy the success of a coordinated national program to improve fuel economy," Feinstein wrote. Read the letter [here](#).

— **Eighty-seven lawmakers signed onto a letter Wednesday** that calls on Pruitt to reinstate the "once in, always in" [policy](#) to "safeguard" from harmful air pollutants. "This is a matter of critical human health and safety," the lawmakers write. Read it [here](#).

**GoT RENEWABLES?** Rapper Kanye West [tweeted](#) about his connection to Trump and their

"dragon energy" on Wednesday. "We are both dragon energy. He is my brother. I love everyone. I don't agree with everything anyone does." Spoiler: It's not an energy company we forgot to tell you about. Bloomberg breaks it down [here](#), but earlier in the day, West described dragon energy as, "Natural born leaders Very instinctive Great foresight." The House Natural Resources [account tweeted](#) the exchange telling West to "have your people call our people."

## QUICK HITS

- Behind the scenes of Pruitt's Nevada trip, [E&E News](#).
- U.S. mine safety agency website 'hacked,' remains down, [S&P Global](#).
- Exxon Mobil boosts quarterly dividend to 82 cents, [Reuters](#).
- Climate change could make thousands of tropical islands "uninhabitable" in coming decades, new study says, [The Washington Post](#).
- Memo: Park Police officers were forbidden from wearing body cameras, [The Hill](#).
- Perry's son owns an energy investment company. Is that a problem? [McClatchy](#).

## HAPPENING TODAY

8:00 a.m. — Water Leaders [summit](#) on "Building an Innovative Future for Water Policy and Technology in America," 215 Capitol Visitors Center

8:30 a.m. — George Mason University's Center for Energy Science and Policy [symposium](#) on "Energy-Water Nexus," Fairfax, Va.

9:00 a.m. — Colorado State University hosts [symposium](#) on "Water in the West," Denver

10:00 a.m. — The U.S. Energy Association [forum](#) on "fostering the deployment of CCUS technologies," 1300 Pennsylvania Ave NW

10:00 a.m. — The House Energy and Commerce Committee [hearing](#) on EPA's budget request, 2323 Rayburn

10:00 a.m. — House Science Environment and Space subcommittees [hearing](#) on "Surveying the Space Weather Landscape," 2318 Rayburn

10:00 a.m. — House Natural Resources Oversight Subcommittee [hearing](#) on "Examining the Critical Importance of Offshore Energy Revenue Sharing for Gulf Producing States," 1324 Longworth

10:00 a.m. — The Center for Strategic and International Studies' Energy and National Security Program [discussion](#) on "Challenges to Ukrainian Energy Reform and European Energy

Security," 1616 Rhode Island Avenue NW

11:30 a.m. — The Atlantic Council discussion on "From an Oil Company to an Energy Company," 1030 15th Street NW

1:00 p.m. — Monroe Energy, Philadelphia Energy Solutions and PBF Energy news conference on RINs prices under the Renewable Fuel Standard, Capitol.

1:30 p.m. — Information Technology and Innovation Foundation release on "Closing the Innovation Gap in Grid-Scale Energy Storage," 1101 K Street NW

2:00 p.m. — House Appropriations Interior, Environment, and Related Agencies Subcommittee hearing on EPA's fiscal 2019 budget, 2007 Rayburn

2:00 p.m. — House Natural Resources Committee hearing on H.R. 5317 (115) and H.R. 211 (115), 1324 Longworth

2:00 p.m. — Senate Appropriations Energy and Water Development Subcommittee hearing on the Nuclear Regulatory Commission's proposed budget for FY 2019, 430 Dirksen

2:30 p.m. — The Center for a New American Security discussion on "Geopolitical Risks and Opportunities of the Lower Oil Price Era," 1152 15th Street NW

3:00 p.m. — Rep. Nydia Velázquez discussion on "21st Century Energy Solutions for Puerto Rico," S-115

5:00 p.m. — The Atlantic Council discussion on "Investing in Iraq: Reconstruction and the Role of the Energy Sector," 1030 15th Street NW

6:30 p.m. — Wild & Scenic Film Festival with screenings of feature films that cover topics from climate change to environmental justice, and a panel discussion on women in the outdoors, 1307 L Street NW

## **THAT'S ALL FOR ME!**

*To view online:*

<https://www.politicopro.com/newsletters/morning-energy/2018/04/pruitt-steps-up-to-the-plate-183688>

## **Stories from POLITICO Pro**

### **Pruitt scales back EPA's use of science** [Back](#)

By Emily Holden and Annie Snider | 04/24/2018 03:17 PM EDT

Environmental Protection Agency chief Scott Pruitt announced Tuesday he would seek to bar the

agency from relying on studies that don't publicly disclose all their data, a major policy change that has long been sought by conservatives that will sharply reduce the research the agency can rely on when crafting new regulations.

The unveiling of the proposed rule delivers a win to Republicans like House Science Chairman Lamar Smith (R-Texas), who unsuccessfully pushed legislation to impose the same type of change. The move also demonstrates Pruitt's persistence in pursuing President Donald Trump's anti-regulation agenda just two days before the embattled EPA chief is due to face fierce questioning from lawmakers about his hefty spending, expanded security detail and cheap condominium rental from the wife of an energy lobbyist.

At an invitation-only meeting at EPA headquarters with Smith, Sen. Mike Rounds (R-S.D.) and other supporters of the policy, Pruitt said the proposed rule was critical in ensuring that the agency was transparent about how it is making decisions to justify costly new regulations. It is the latest step Pruitt has taken to fundamentally shift the agency's approach to science.

"It is a codification of an approach that says as we do our business at the agency the science that we use is going to be transparent, it's going to be reproducible, it's going to be able to be analyzed by those in the marketplace. And those who watch what we do can make informed decisions about whether we've drawn the proper conclusions or not," Pruitt said.

Text of the proposed rule was not immediately available.

The proposal, based on legislation pushed by Smith, is intensely controversial, and scientists and public health groups say it will prevent federal regulators from enacting health and safety protections. Nearly 1,000 scientists, including former EPA career staffers, signed a letter opposing the policy sent by the Union of Concerned Scientists to Pruitt on Monday.

Their primary concern was that many of the country's bedrock air and water quality regulations are based on research that cannot disclose raw data because it includes the personal health information.

But industry has its own version of the same problem. EPA often relies on industry studies that are considered by companies to be confidential business information when determining whether new pesticides and toxic chemicals are safe to use. Internal EPA emails obtained under the Freedom of Information Act show that EPA political officials, including Nancy Beck, who became the chief of the agency's chemical safety office last year after working for years at a chemical industry lobbying group, worried that the new policy would limit the agency's ability to consider industry data or would force companies to make this proprietary data public.

"We will need to thread this one real tight!" Richard Yamada, political official who led work on the new policy wrote to Beck after she raised the concerns.

It was not immediately clear if the new proposed rule included measures to address those concerns.



Rush Holt, CEO of the American Association for the Advancement of Science, said Pruitt's changes could keep the agency from revising public health regulations as problems arise or new data comes to light.

"On the surface it sounds so innocuous or even beneficial. What could be wrong with transparency? Well it's clear to me that this is not based on an effort to be transparent. It is rather based on an effort to be just the opposite," he said.

"EPA is particularly important because when science is misused, people die," he added.

Pruitt has been discussing the new scientific policy publicly for weeks, but it only went to the White House for interagency review last week. Such swift review is very rare for the Office of Management and Budget, which often takes months to vet a new policy. At least one group, the Environmental Defense Fund, has requested a meeting with OMB officials to discuss the rule, but OMB's website shows that no meetings have been scheduled with interested groups.

Many public health studies can't be replicated without exposing people to contaminants, and environmental disasters such as the Deepwater Horizon oil spill cannot be recreated, the group said, raising intellectual property, proprietary and privacy concerns.

Pruitt's predecessor Gina McCarthy, and her air chief Janet McCabe, in an [op-ed](#) in The New York Times in March said concerns about studies are dealt with through the existing peer-review process, which ensures scientific integrity.

"[Pruitt] and some conservative members of Congress are setting up a nonexistent problem in order to prevent the E.P.A. from using the best available science," they said.

*To view online [click here](#).*

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## **Report: Pruitt plans to shift blame for scandals [Back](#)**

By Emily Holden | 04/25/2018 01:55 PM EDT

EPA chief Scott Pruitt will seek to shift the blame for some of his ethics controversies by blaming his staff when he testifies at two House hearings Thursday, according to an internal EPA document reviewed by [The New York Times](#).

Pruitt is prepared to say that he now flies coach rather than first-class, that staffers were responsible for large raises given to close aides without White House sign-off and that officials who were reportedly sidelined for questioning his behavior had performance issues, according to the Times.

The defenses are in line with what Pruitt and EPA spokespeople have said in recent months.

EPA did not dispute the authenticity of the document, but spokesman Jahan Wilcox said Pruitt would tout "the accomplishments of President [Donald] Trump's EPA," including "working to repeal Obama's Clean Power Plan and Waters of the United States, providing regulatory certainty, and declaring a war on lead — all while returning to Reagan-era staffing levels."

Pruitt is expected to face questions about his bargain condo rental from the wife of a lobbyist who has since resigned from his firm, his spending on a round-the-clock security detail and his previous refusal to fly coach. He is under investigation by three congressional committees, the EPA's inspector general and the GAO, among other oversight bodies. White House deputy press secretary Hogan Gidley told NPR today that Pruitt will have to answer questions about the potential ethics violations "in short order."

*To view online [click here](#).*

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### **'It could be pretty painful' when Pruitt faces Congress [Back](#)**

By Anthony Adragna and Nancy Cook | 04/25/2018 06:00 PM EDT

When Scott Pruitt returns to Capitol Hill on Thursday, he will find few friends ready to greet him — and an audience of one waiting to determine his fate.

Republicans say they aren't going to give the Environmental Protection Agency chief a free pass on accusations of lavish spending, a sweetheart condo lease and luxe air travel during a pair of high-stakes hearings. Since Pruitt's previous appearance on Capitol Hill in January, he has faced an avalanche of damaging headlines and investigations that have alienated much of the White House and raised questions about his future leading the agency.

President Donald Trump has so far stuck by Pruitt. But the biggest test for the media-obsessed president may be how Pruitt fares in front of the cameras — only three weeks after he drew poor reviews for a combative interview with Fox News' Ed Henry.

House Energy and Commerce Chairman Greg Walden (R-Ore.) said Pruitt will receive a "cordial reception, but he's got some tough questions to answer."

Rep. John Shimkus (R-Ill.), whose subcommittee will be Pruitt's first stop Thursday, said the administrator should expect a "cool" reception from Republicans — who still strongly support his work to pare back EPA rules.

"It could be pretty painful, but when you accept the position of a senior administrator in a federal agency you've got to expect [that]," Shimkus, who chairs the Energy and Commerce Environment Subcommittee, told Politico. "You've just to grin and bear it and get through it."

Pruitt has few allies left in the White House, apart from the president himself. Senior administration aides characterized the hearings as potential make-or-break moments for Pruitt but said it's ultimately up to the president as to whether the White House wants to tolerate Pruitt's bad press.

Trump is largely keeping Pruitt around because he appreciates Pruitt's hard-charging agenda and because the White House does not want to go through another bruising confirmation battle over another Republican to lead EPA, according to senior administration officials and Republicans close to the White House. Already the White House expended great political energy this week on its pick for secretary of state, Mike Pompeo, a former congressman whom the White House views as eminently qualified but who is barely expected to squeak through the Senate confirmation process.

Most important, the president fears that dumping Pruitt would anger conservatives.

"The president is always nervous about offending his base, and Pruitt has real support in the base," said one Republican close to the White House. "If that base diminishes, he does not have a chance of being reelected. He generally likes what Pruitt is doing over there, but he has no relationship with Pruitt of any note. He could get someone else."

When asked at the White House briefing on Wednesday about Pruitt's spending and potential ethical violations, press secretary Sarah Huckabee Sanders would only say: "We are evaluating these concerns, and we expect the EPA administrator to answer for them."

Pruitt's waning support among White House aides has been months in the making. And at this point, many administration officials say they are tired of the terrible headlines and consider the allegations about Pruitt a nonstop swirl of distractions. It's not just Pruitt's handling of the questions that has irked White House officials but the facts themselves about the way he's led the EPA and run his own staff.

Over the past year, Pruitt has also alienated members of the communications team, National Economic Council, and Cabinet Affairs in various fights over policy like the Paris climate deal, messaging over policy rollouts, and spending decisions at the EPA. Another Republican close to the White House said Pruitt has earned a reputation among White House aides as "high maintenance."

The White House was not involved in helping to prepare Pruitt for the two Hill hearings on Thursday.

Shimkus predicted the toughest questions would come from the other side of the aisle.

"We need to make sure that we understand and recognize the valid, valid concerns that are out there on policy and administrative activity," he said. "But I don't think we'll be gouging his eyes out either — I think we'll have other folks that'll do that."

Some Pruitt supporters say he should be judged on his overall tenure.

"It should be based on his past performance, not necessarily standing in front of a microphone," House Natural Resources Chairman Rob Bishop (R-Utah) said. Bishop's committee does not have jurisdiction over EPA, but he has been a strong supporter of Pruitt's policy goals.

In his opening statement released ahead of the hearing, Pruitt will sidestep any discussion of the latest controversies, instead focusing on policy goals like Superfund cleanups and working more closely with states. "I will focus on key objectives to improve air quality, provide for clean and safe water, revitalize land and prevent contamination, ensure the safety of chemicals in the marketplace, assure compliance with the law, and improve efficiency and effectiveness," Pruitt will say in his prepared remarks.

Democrats are expected to tie the scandals facing Pruitt to his aggressive deregulatory push and proposal to slash EPA's budget by more than a quarter — which they see as just as worrisome as his alleged ethical improprieties. Multiple aides said there's such strong interest in the session that committee Democrats not on the Environment Subcommittee plan to participate, which does not require signoff from the majority.

"There's a confluence of concerns here that I think the Democrats are going to want to get answers to," Rep. Paul Tonko of New York, top Democrat on the panel, told POLITICO. "We were concerned yesterday, we're concerned today and we'll be concerned tomorrow if he's there."

There will be no shortage of things to ask him about, including the more than \$105,000 the agency has spent on his first-class flights, lavish spending on a \$43,000 soundproof phone booth and round-the-clock security, a cushy \$50-per-night condo lease from a Washington lobbyist who personally met with Pruitt to discuss the agency's Chesapeake Bay work, and a trip to Morocco in December on which he spent time promoting liquefied natural gas exports — a topic that isn't part of his agency's portfolio. Pruitt is also facing scrutiny over the significant pay raises the agency gave to a handful of his longtime aides from Oklahoma despite the White House's objections.

Federal watchdogs, the agency's inspector general, congressional investigators and the White House have launched more than a dozen investigations into various aspects of Pruitt's conduct.

But Rep. Joe Barton (R-Texas), the longest-serving member of Energy and Commerce, said Pruitt's ethics issues are "not the purpose of the hearing" and suggested many Republicans would come to the administrator's defense. However, he said the panel's GOP members have not met in advance to plot strategy.

"He's had a lot of death threats. I don't have a problem with his security costs," Barton said Wednesday. "I don't really have a major problem with his telecommunications setup. It's a difficult job to be the EPA administrator when you're a Republican."

Still, signs are increasing of weariness toward Pruitt among congressional Republicans. Three senior Senate Environment and Public Works Committee Republicans, including his staunch ally Sen. Jim Inhofe (R-Okla.), called for hearings into Pruitt's behavior earlier this week. Four

House Republicans have called for his resignation. And EPW Chairman John Barrasso (R-Wyo.) said he has "serious questions" about Pruitt's spending and pledged to send additional oversight letters.

"He'll need to acquit himself well," Sen. John Thune, the No. 3 Republican in the Senate, said when asked about how important the sessions will be for Pruitt's future in the administration.

An aide to Rep. Betty McCollum of Minnesota, top Democrat on the House Appropriations Interior and Environment Subcommittee, where Pruitt will appear Thursday afternoon, told POLITICO their hearing would likely focus more on Pruitt's proposed cuts to nearly a quarter of the agency's budget and regulatory rollbacks.

"I expect the E&C hearing will have a greater focus on the ethical concerns surrounding Pruitt," the aide said.

Some Democrats on Energy and Commerce acknowledge Pruitt has in the past performed well in congressional hearings, which they said could allow him to respond to some of the charges.

"If Mr. Trump is going to look for a good performance, I bet he'll put up a great performance," said Rep. Scott Peters (D-Calif.), another member of the subpanel. "But if he doesn't address the substance of the ethical and environmental challenges, I hope that they would think about finding someone else."

Other Democrats think Pruitt's main goal will be to avoid a major gaffe but they don't see any way he will emerge from the hearing in a significantly strengthened position.

"One or two of these transgressions would be survivable but there are so many scandals that it's really hard for me to imagine that Republicans want to lower the bar this much," said Sen. Brian Schatz (D-Hawaii), an outspoken Pruitt critic. "It is actually beyond me why they're sticking by him."

*To view online [click here](#).*

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**Tester leans on public lands as key reelection issue** [Back](#)

By Kevin Robillard | 04/26/2018 05:05 AM EDT

HELENA, Mont. — The issue that could prove key to Democratic Sen. [Jon Tester](#)'s reelection bid is under the radar in Washington politics but practically ever-present in Montana life.

Nearly a third of the land in Montana is under federal government ownership, and Tester wants to keep it that way. It's a way the Democratic senator, who is running for a third term, hopes to keep voters who pulled the lever for President Donald Trump — including hunters, hikers,

snowmobilers and ranchers — on his side in 2018.

"Public lands is one of the great equalizers. It's part of who we are," Democratic Gov. Steve Bullock said in a phone interview. "It doesn't matter what our political beliefs are, it's a core part of our lives."

Tester's strategy is part of a larger effort by Democrats in the West to emphasize the issue. Bullock emphasized it in his reelection bid in 2016 as he defeated Republican Greg Gianforte (now Montana's congressman) by 4 percentage points after hammering the Republican billionaire over stream access. New Mexico Sen. Martin Heinrich, who is expected to easily win reelection in 2018, started his reelection bid with a video focused heavily on public lands issues. And Democratic strategists think it can help them in states throughout the interior West.

"There are a lot of people here who are single-issue voters, and that issue is public lands," said Nick Gevock, the conservation director at the Montana Wildlife Federation.

Outdoor recreation is now Montana's largest industry, surpassing agriculture, and contributes \$7 billion and 71,000 jobs to the state's economy.

"They like to go hunting, they like to go fishing, they like to go hiking, they just like to get in the mountains where their cellphone doesn't work," Tester said in an interview. "I want to make sure there's not a mine put at the head of the Yellowstone River, or at the borders of Glacier Park."

A Montana Republican on the national stage is also raising the profile of the issue in-state. Conservationists had high hopes for Interior Secretary Ryan Zinke when he was first named to the job, but his decision to shrink the size of two national monuments has left them dismayed and disappointed.

"We were hopeful that, being a Montanan, he was going to live Montana values and be the Teddy Roosevelt conservationist he said he was," Gevock said, but noting Zinke's Interior Department was "putting the oil and gas industry above every other use."

Tester introduced Zinke at his confirmation hearing and had similar hopes, but is heavily critical of him today.

"It was because I thought he understood conversation. I haven't seen that over the last 14 months," Tester said, adding: "He has time to redeem himself."

The strategy is a proven vote-winner in Montana. Throughout the 2016 gubernatorial campaign, and in his earlier bids for governor and attorney general, Bullock emphasized stream access laws for fishermen. And he hammered Gianforte for fighting stream access laws in multiple television ads last cycle.

The state and national GOP platforms both support selling federal public lands to the states, where many environmentalists feel they would be exposed to oil and gas interests. Tester's opponents don't endorse those views.

"The people of Montana do not want the public lands transferred," state Auditor Matt Rosendale said in an interview, echoing the views of businessman Troy Downing and former judge Russ Fagg. (Rosendale supported selling the land during a 2014 bid for Congress but has changed his position.)

All three said they would like localities to have more say in how lands are managed and how federal authorities balance multiple uses. Rosendale, for instance, criticized the Forest Service for shutting down too many roads in the state.

But while Democrats in Montana have aggressively used the issue, public lands haven't become a top-tier issue in Colorado, Arizona or elsewhere in the interior West, which some Democratic strategists believe is a missed opportunity.

The Western Values Project, a Colorado-based nonprofit, [ran ads](#) late last year pressuring three potentially vulnerable Republicans — Arizona Rep. [Martha McSally](#), who is now running for Senate, along with Oregon Rep. [Greg Walden](#) and Washington Rep. [Jaime Herrera Beutler](#) — over their support for Zinke's decision to shrink the national monuments.

And the attacks had an impact: In Arizona, McSally held a 3-point lead against a generic Democrat in her congressional district in a poll conducted by Global Strategy Group. But when "asked to consider a scenario where she votes to reduce the size of the Bears Ears and Grand Staircase-Escalante national monuments," her support dropped to 38 percent, with a generic Democrat winning 50 percent of the vote.

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## **Interior spent \$139K on Zinke office doors** [Back](#)

By Anthony Adragna | 03/08/2018 05:58 PM EDT

The Interior Department is spending \$139,000 for new doors for Secretary Ryan Zinke's office suite, according to [records](#) posted online.

The work was recommended by Interior career facilities and security officials, an agency spokeswoman said, not by Zinke.

"The secretary was not aware of this contract but agrees that this is a lot of money for demo, install, materials, and labor," Heather Swift, the spokeswoman, said in a statement.

The award to Maryland-based Conquest Solutions LLC was first reported by the [Associated Press](#). The work involves replacing three sets of double doors, including two that open onto a balcony and leak during rain storms, the AP reported. An existing set of doors to Zinke's office

from a hallway do not have a lock, so the security will be upgraded with the new doors.

Swift said the work is part of a "decade-long modernization of the historic FDR-era building."

"Between regulations that require historic preservation and outdated government procurement rules, the costs for everything from pencils to printing to doors is astronomical. This is a perfect example of why the Secretary believes we need to reform procurement processes."

Housing and Urban Development Secretary Ben Carson drew criticism recently over news that HUD would spend \$31,000 on a dining set. That order was subsequently canceled.

*To view online [click here](#).*

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### **House passes controversial dam bill [Back](#)**

By Annie Snider | 04/25/2018 04:45 PM EDT

The House passed a controversial measure to override a court decision that required changes in the operations of major hydropower dams in the Pacific Northwest to help protect endangered salmon.

The measure, [H.R. 3144 \(115\)](#), from Rep. [Cathy McMorris Rodgers](#) (R-Wash.), was passed by a nearly party-line vote of 225-189.

The 9th Circuit Court of Appeals earlier this month [upheld](#) a lower court decision requiring that water be spilled over the tops of dams along the Columbia and Snake rivers, including the powerhouse Grand Coulee Dam, the largest power station in the U.S., during periods when young salmon and steelhead migrate to the ocean. The suit was brought by the state of Washington, tribes and conservation groups.

McMorris Rodgers and other Republicans in the region have fought the decision because it would reduce the dams' hydropower output. Their legislation would override the courts and require that dam operations continue as they have historically to maximize power production until an environmental review of the system can be completed.

The legislation is the latest front in a yearslong battle over the nearly 100-year-old hydropower system on the rivers. Conservation groups and tribes with treaty fishing rights want it altered and operated to benefit wildlife, including calling for the removal of four dams along the Snake River.

**WHAT'S NEXT:** The legislation moves to the Senate, where some of the region's Democratic senators have [registered](#) their opposition.



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## EPA drops 'once in, always in' policy from key Clean Air Act requirements [Back](#)

By Alex Guillén | 01/25/2018 06:11 PM EDT

EPA today withdrew a Clinton-era policy that was designed to prevent major emitters like power plants and factories from getting out of tough requirements to limit their toxic air emissions.

In a new [memo](#), EPA air chief Bill Wehrum wrote that the "once in, always in" policy "is contrary to the plain language" of the Clean Air Act. Wehrum revoked a [1995 guidance memo](#) outlining the policy and said EPA would consider new regulations to clarify its interpretation of the law.

Under the now-revoked guidance, any emitter that qualified as a "major" source of hazardous air pollutants would forever be subject to that tougher standard to comply with MACT rules, even if its emissions dropped low enough to be considered an "area" source subject to fewer or no requirements. Wehrum's memo said the law does not specify that such classifications are permanent.

"EPA has now determined that a major source which takes an enforceable limit on its [potential emissions] and takes measures to bring its HAP emissions below the applicable threshold becomes an area source, no matter when the source may choose to take measures to limit its" potential pollution emissions, Wehrum wrote.

Wehrum argued that the policy shift will actually encourage sources that hesitated to install emission reduction projects to move forward. Environmentalists, however, quickly [blasted the change](#) on social media.

The Bush administration twice attempted to change the OIAI policy but never succeeded.

**WHAT'S NEXT:** Wehrum's memo says EPA will "soon publish a Federal Register notice to take comment on adding regulatory text that will reflect EPA's plain language reading of the statute."

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VA, 22209, USA

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**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** Beach, Christopher  
**Sent:** Sun 6/24/2018 6:16:35 PM  
**Subject:** Re: Touching base regarding Monday

Oh okay. So I'll put all these topics on a pocket card then.

Sent from my iPhone

On Jun 24, 2018, at 10:54 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

It's the same thing

On Jun 24, 2018, at 9:06 AM, Beach, Christopher <beach.christopher@epa.gov> wrote:

So are there two events – one CCR and then this one?

**From:** Bennett, Tate  
**Sent:** Friday, June 22, 2018 6:17 PM  
**To:** Beach, Christopher <beach.christopher@epa.gov>  
**Subject:** Fwd: Touching base regarding Monday

2 pm on Monday!

Begin forwarded message:

**From:** Michelle Wynn <Michelle.Wynn@deq.ok.gov>  
**Date:** June 22, 2018 at 5:44:09 PM EDT  
**To:** "Bennett, Tate" <Bennett.Tate@epa.gov>  
**Cc:** "Kundinger, Kelly" <kundinger.kelly@epa.gov>  
**Subject:** RE: Touching base regarding Monday

Thank you again for allowing us to host the Administrator and your team. Please let me know if you have any questions. -MW

2 pm meeting attendees –

Scott Thompson, Executive Director

Kelly Dixon, Land Protection Division Director

Lloyd Kirk, External Affairs Division Director

Shellie Chard, Water Quality Division Director

Chris Armstrong, State Environmental Laboratory Division Director

Rob Singletary, General Counsel

Michelle Wynn, Legislative Liaison

\*Tentative; Erin Hatfield, Director of Communications

Proposed Topics:

- PFOS/PFOA
- Superfund (in general, plus Eagle Industries, Tar Creek, Wilcox sites)
- RCRA (Macy's SEP was a positive)
- Water loss audits (our program that helps water systems save water and money)
- FACT team, including tribes, USDA, DWSRF and state funding projects
- Importance of building drought resiliency into drinking water systems in response to drought, shifting population, expanding water demanding industries

**Michelle Wynn**

***Legislative Liaison***

**Oklahoma Department of Environmental Quality**

707 N Robinson, PO Box 1677

Oklahoma City, OK 73101

405.702.7163 office phone

**Ex. 6 - Personal Privacy**

[michelle.wynn@deq.ok.gov](mailto:michelle.wynn@deq.ok.gov)

**From:** Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]  
**Sent:** Friday, June 22, 2018 1:21 PM  
**To:** Michelle Wynn  
**Cc:** Kunding, Kelly  
**Subject:** Re: Touching base regarding Monday

Copying Kelly who will have those answers but perhaps Scott can ride in the Admin's car?

On Jun 22, 2018, at 12:39 PM, Michelle Wynn <[Michelle.Wynn@deq.ok.gov](mailto:Michelle.Wynn@deq.ok.gov)> wrote:

Tate -

Sorry to change direction on you, but I will be doing the coordination on our end now. Fenton was involved when we were going to tour the alternative site, so now it's just going thru extra steps. This way you and I can have direct contact and go from there.

The meeting at our office for 2 PM is all locked in. As for the windshield tour, are you all arranging that part? I know, our director, Scott Thompson would like to join you on that part if possible. We can do the rest according to availability of room, we can also provide vehicles as needed.

Looking forward to having administrative Pruitt visit with us here in Oklahoma. Please let me know what else I can do to be of help.

Michelle Wynn

DEQ - Legislative Liaison

405-702-7163 Office

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Begin forwarded message:

**From:** Skylar McElhaney <[Skylar.McElhaney@deq.ok.gov](mailto:Skylar.McElhaney@deq.ok.gov)>  
**Date:** June 22, 2018 at 11:33:17 AM CDT  
**To:** Michelle Wynn <[Michelle.Wynn@deq.ok.gov](mailto:Michelle.Wynn@deq.ok.gov)>  
**Subject:** Fwd: Touching base regarding Monday

Skylar McElhaney

Department of Environmental Quality

(405) 702-7167 Office

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Begin forwarded message:

**From:** "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Date:** June 22, 2018 at 11:32:12 AM CDT  
**To:** Fenton Rood <[Fenton.Rood@deq.ok.gov](mailto:Fenton.Rood@deq.ok.gov)>  
**Cc:** "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>, "Kundinger, Kelly" <[kundinger.kelly@epa.gov](mailto:kundinger.kelly@epa.gov)>, Skylar McElhaney <[Skylar.McElhaney@deq.ok.gov](mailto:Skylar.McElhaney@deq.ok.gov)>  
**Subject:** RE: Touching base regarding Monday

This agenda is great. Let's lock it in for 2 PM. Also, I wanted to let you know the Admin will be doing a quick tour of Eagle Industries as well as a windshield tour of the following after our meeting. Let me know if you have any interest in participating in this part as well. No pressure either way.

Oklahoma City

- Eagle Industries – Just east of Oklahoma City
- Fourth Street Abandoned Refinery – east/central Oklahoma City
- Mosley Road Sanitary Landfill – NE Oklahoma City
- Tinker Air Force Base – SE Oklahoma City

**From:** Fenton Rood [<mailto:Fenton.Rood@deq.ok.gov>]  
**Sent:** Friday, June 22, 2018 11:22 AM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>; Skylar McElhaney <[Skylar.McElhaney@deq.ok.gov](mailto:Skylar.McElhaney@deq.ok.gov)>  
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Lloyd Kirk, External Affairs

Shellie Chard, Water Quality

Michelle Wynn, Legislative Liaison

Erin Hatfield, Public Information Officer

Chris Armstrong, State Environmental Laboratory

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- Importance of building drought resiliency into drinking water systems in response to drought, shifting population, expanding water demanding industries

**From:** Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]

**Sent:** Thursday, June 21, 2018 4:13 PM

**To:** Fenton Rood

**Cc:** Jackson, Ryan; Kunding, Kelly

**Subject:** Touching base regarding Monday

Fenton-

This is to confirm Pruitt's meeting with the director and division directors at 2 PM next Monday. Thanks again for your help. My cell is Ex. 6 - Personal Privacy if you need anything. I have also copied Kelly Kunding with our advance team who will reach out about a security walk through in advance. Also, do you mind sending me an attendee list when you have one?



OK DEQ

707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement &  
Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)

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## **Michelle Wynn**

### ***Legislative Liaison***

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Tate -

Sorry to change direction on you, but I will be doing the coordination on our end now. Fenton was involved when we were going to tour the alternative site, so now it's just going thru extra steps. This way you and I can have direct contact and go from there.

The meeting at our office for 2 PM is all locked in. As for the windshield tour, are you all arranging that part? I know, our director, Scott Thompson would like to join you on that part if possible. We can do the rest according to availability of room, we can also provide vehicles as needed.

Looking forward to having administrative Pruitt visit with us here in Oklahoma. Please let me know what else I can do to be of help.

Michelle Wynn

DEQ - Legislative Liaison

405-702-7163 Office

Ex. 6 - Personal Privacy

Begin forwarded message:

**From:** Skylar McElhaney <[Skylar.McElhaney@deq.ok.gov](mailto:Skylar.McElhaney@deq.ok.gov)>  
**Date:** June 22, 2018 at 11:33:17 AM CDT

**To:** Michelle Wynn <Michelle.Wynn@deq.ok.gov>  
**Subject:** Fwd: Touching base regarding Monday

Skylar McElhaney

Department of Environmental Quality

(405) 702-7167 Office

Ex. 6 - Personal Privacy

Begin forwarded message:

**From:** "Bennett, Tate" <Bennett.Tate@epa.gov>  
**Date:** June 22, 2018 at 11:32:12 AM CDT  
**To:** Fenton Rood <Fenton.Rood@deq.ok.gov>  
**Cc:** "Jackson, Ryan" <jackson.ryan@epa.gov>, "Kundinger, Kelly" <kundinger.kelly@epa.gov>, Skylar McElhaney <Skylar.McElhaney@deq.ok.gov>  
**Subject:** RE: Touching base regarding Monday

This agenda is great. Let's lock it in for 2 PM. Also, I wanted to let you know the Admin will be doing a quick tour of Eagle Industries as well as a windshield tour of the following after our meeting. Let me know if you have any interest in participating in this part as well. No pressure either way.

#### Oklahoma City

- Eagle Industries – Just east of Oklahoma City
- Fourth Street Abandoned Refinery – east/central Oklahoma City
- Mosley Road Sanitary Landfill – NE Oklahoma City
- Tinker Air Force Base – SE Oklahoma City

**From:** Fenton Rood [mailto:Fenton.Rood@deq.ok.gov]

**Sent:** Friday, June 22, 2018 11:22 AM

**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>

**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>; Skylar McElhaney <[Skylar.McElhaney@deq.ok.gov](mailto:Skylar.McElhaney@deq.ok.gov)>

**Subject:** RE: Touching base regarding Monday

Proposed attendees:

Scott Thompson, Executive Director

Kelly Dixon, Land Protection Division

Lloyd Kirk, External Affairs

Shellie Chard, Water Quality

Michelle Wynn, Legislative Liaison

Erin Hatfield, Public Information Officer

Chris Armstrong, State Environmental Laboratory

Proposed Topics:

- PFOS/PFOA
- Superfund (in general and Eagle Industries, Tar Creek, Wilcox)
- RCRA (Macy's SEP was a positive)
- Water loss audits (our program that helps water systems save water and money)
- FACT team, including tribes, USDA, DWSRF and state funding projects
- Importance of building drought resiliency into drinking water systems

in response to drought, shifting population, expanding water  
demanding industries

**From:** Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]  
**Sent:** Thursday, June 21, 2018 4:13 PM  
**To:** Fenton Rood  
**Cc:** Jackson, Ryan; Kunding, Kelly  
**Subject:** Touching base regarding Monday

Fenton-

This is to confirm Pruitt's meeting with the director and division directors at 2 PM next Monday. Thanks again for your help. My cell is Ex. 6 - Personal Privacy if you need anything. I have also copied Kelly Kunding with our advance team who will reach out about a security walk through in advance. Also, do you mind sending me an attendee list when you have one?

OK DEQ

707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental  
Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

Bennett.Tate@epa.gov



**From:** Burton, Tamika  
**Sent:** Fri 4/13/2018 6:14:37 PM  
**Subject:** Weekly Report 4.13.2018  
[Weekly Report 04.13.2017.pdf](#)  
[Weekly Report 04.13.2017.docx](#)

Good Afternoon,

Please see the attached Weekly Report.

Have a great weekend!

*Tamika Burton*

*Staff Assistant to the Deputy Administrator*

*Immediate Office of the Administrator*

*MC 1104A Room 3412 WJC North*

Ex. 6 - Personal Privacy

*burton.tamika@epa.gov*



# **Ex. 5 - Deliberative Process**

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- *Campaign for Accountability v. EPA*, No. 1:18cv783, seeking communications between anyone in the Office of Administrator and the Oklahoma Attorney General's office, and certain communications concerning the Tar Creek superfund site.

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**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** Morning Energy  
**Sent:** Fri 4/13/2018 2:05:59 PM  
**Subject:** POLITICO's Morning Energy, presented by the American Petroleum Institute: Pruitt's security blanket — EPA gets its second-in-command — National park fees less than expected

By Kelsey Tamborrino | 04/13/2018 10:00 AM EDT

*With help from Anthony Adragna*

**PRUITT'S SECURITY BLANKET:** EPA Administrator Scott Pruitt has come under fire for his various ethics scandals - but current and former agency officials say he wasn't alone in some of the decisions. Instead, they say, Pruitt was goaded by his security guard, a colorful figure who has laid out his own questionable ethics in a self-published autobiography. Pasquale "Nino" Perrotta, a former Secret Service agent, who also played a key role in the investigation into mobster John "Junior" Gotti in the 1990s, has been running Pruitt's security shop, often egging him on when others raised questions about his decisions, Pro's Emily Holden and Alex Guillén report.

**Agency spokesman Jahan Wilcox defended EPA's moves** on Pruitt's security arrangements, calling them "similar to security protocol across the federal government." But Perrotta's forceful personality and Pruitt's expectations are both likely driving EPA's security spending, several sources tell Emily and Alex. Perrotta has accompanied Pruitt on flights and offered him advice on environmental policy and other agency matters, according to two of the sources. And one career official who recently retired, Ron Slotkin, said Perrotta repeatedly railed against any restrictions, including longstanding federal limits on spending and conduct. "They would object to anything when we said, 'No, you can't do that' or 'That would be wrong,'" Slotkin said. He added: "We'd say, 'It's not a matter of legality, it's ethics, it's the way things look.' But they went out of their way to do something different."

**Now, Perrotta has come under increased scrutiny** from Congress - just like his boss. Former Trump EPA political appointee Kevin Chmielewski - the subject of letter released Thursday by Democrats - met with House Oversight Committee staff to discuss allegations against Pruitt, particularly of mismanagement and ethical lapses, a spokeswoman confirmed to Pro's Anthony Adragna on Thursday. Chmielewski also told Democratic lawmakers that Perrotta played a role and threatened to go to his home to seize his EPA parking pass - adding that he "didn't give a f---" who might be listening to their phone call. Read more.

**IT'S FRIDAY THE 13TH!** I'm your host Kelsey Tamborrino and I had a calculation error in Thursday's trivia question. Far more than five former presidents were also teachers: John Quincy Adams, Millard Fillmore, James Garfield, Chester Alan Arthur, Grover Cleveland, William Howard Taft, Woodrow Wilson and Lyndon Johnson, to name a few. But Entergy's Rob Hall gets the win today - he was the quickest to identify at least five. For today: Who were the only (I promise) father and son to serve in the Senate at the same time? Send your tips, energy gossip and comments to [ktamborrino@politico.com](mailto:ktamborrino@politico.com), or follow us on Twitter [@kelseytam](https://twitter.com/kelseytam), [@Morning\\_Energy](https://twitter.com/Morning_Energy) and [@POLITICOPro](https://twitter.com/POLITICOPro).

**EPA GETS ITS SECOND-IN-COMMAND:** The Senate confirmed former coal lobbyist Andrew Wheeler as EPA deputy administrator on Thursday, instilling a crucial No. 2 official at the agency as Pruitt's future comes into question. Wheeler, a long-time former Senate aide, cleared the chamber by a vote of 53-45, with Democrats Joe Manchin, Heidi Heitkamp and Joe Donnelly joining the Republicans in the majority, Pro's Anthony Adragna reports. Pruitt welcomed Wheeler in a tweet: "Andrew has spent his entire career advancing sound environmental policies & I look forward to working with him to implement President Trump's environmental agenda."

**THERE'S NO GRAND PLAN:** But 10 Republican and Democratic lawmakers ME spoke to don't expect Wheeler's confirmation to have any impact on whether President Donald Trump removes Pruitt. "I don't think the president is looking for an incentive to get rid of Administrator Pruitt," Rep. Kevin Cramer told ME. "I don't think he's thinking about how this could give him more options, if you will. I think he's got the best option in the country in the job right now." Democrats arrived in the same place, albeit with different reasoning. "I don't think the president is that nuanced in his thinking," Sen. Chris Murphy said.

**Some Democrats and other Washington insiders** have floated the theory in recent days that Trump could have been waiting for the Senate to OK Wheeler before making a break with Pruitt. "If Wheeler is in place and approved, then it may well be that he just decides to let Pruitt go," Sen. Tom Udall told ME. "If they have a deputy that's Senate approved, then he can serve. So, that puts them in a much better position."

**But most lawmakers simply** said Wheeler's ascension at EPA should be viewed as the administration filling an important slot that's been vacant for too long. "Obviously having a No. 2 there is pretty important if anything should happen," said Sen. John Thune, a member of Republican leadership. Others said they thought Wheeler, a long-time Washington fixture, could help the Trump administration stabilize the ship at EPA. "You certainly have a familiarity with the legislative process, which I think is helpful," Sen. Lisa Murkowski, who oversees EPA's budget on an Appropriations subcommittee, told ME. "Administrator Pruitt - as much as he brings to the office with the credentials he acquired in Oklahoma as an attorney general - it's a different process. The legislative process is just different. And I think that's one of the assets that Wheeler brings to the job."

**Sen. Jim Inhofe**, Wheeler's former employer and a close ally of Pruitt, said he'd spoken with the embattled EPA chief earlier this week and told him "help is on the way" in the form of Wheeler. "The real beneficiary is [chief of staff] Ryan Jackson because he's had to do everything himself," he said. "No one knows the job better than Andrew. So he's going to be a godsend."

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said in a statement, adding that the revenue gathered from the fare would go toward fixing the agency's maintenance backlog.

**The announcement garnered a collective** sigh of relief from many conservationists and Democrats, but still left a poor taste in the mouths of some. Senate Energy ranking member Maria Cantwell said in a statement the plan "once again lacks any transparency, public input, or full analysis of the impact new fee increases will have on park visitation and local economies." Udall said he'd ask Zinke to provide a more detailed explanation of the decision in writing.

**House Natural Resources Chairman Rob Bishop** is supportive of the move to raise money for park maintenance, but thinks the move should go through Congress first. "There's no way an agency of government should be able to raise fees on people just by their own fiat. It's just wrong," Bishop told ME, though he admitted that Zinke does have the authority.

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**\*\* A message from the American Petroleum Institute:** Safe energy exploration and development in the Outer Continental Shelf could bring significant jobs, investments, and state revenue for public education and infrastructure to coastal states and across the nation, as well as strengthen our national security. Recently released studies highlight the potential economic benefits here: <http://bit.ly/2FPgybN> \*\*

**BIG SPENDER:** Pruitt showed a penchant for spending during his time as attorney general of Oklahoma, according to a report in The Intercept. In particular, spending at the AG's office in 2014 came in at \$27.7 million higher than his predecessor Drew Edmondson, according to a state audit published in 2016. Almost \$23 million of Pruitt's total budget fell into a category called "administrative expenses."

**Pruitt also upgraded the AG office's vehicles.** According to numbers provided by Oklahoma's Office of Management and Enterprise Services. When Pruitt left for EPA, "his state agency had 303 cars and trucks, up from 277 when Edmondson left office in 2011," the Intercept reports. The EPA chief also rode in a nicer car than his predecessor, state auditor Gary Jones told the Intercept. "He went and got himself a big, black SUV just like the governor's," said Jones, who noted that Edmondson had made do with a Ford Crown Victoria. Read the story.

**SOMETHING NICE TO SAY:** Oregon Gov. Kate Brown visited the offices of media company Willamette Week, where she offered kind words for Pruitt's Superfund efforts, when asked where she agreed with the Trump administration. "The one thing that I am actually pleased that we are working together on is with the administrator of the EPA, and that is cleaning up the Portland Harbor," she said. "He's absolutely committed to making this happen, as am I. It's a job creator." Read more.

**ETHANOL INDUSTRY GETS A WIN:** The president Thursday pledged support for year-round sales of 15 percent ethanol blends in gasoline, marking a win for the ethanol industry.

"We're going to raise it up to 15 percent and raise it to a 12-month period," Trump told reporters in response to questions about the biofuel, adding that "makes a lot of farmers very happy." Pro's Eric Wolff [reports](#) Trump's remarks mark a policy change long-sought by ethanol producers and their farm-state allies to win year-round sales of higher blends of ethanol in all states.

**TRUMP AIMS TO CUT RED TAPE:** Trump also issued a [memorandum](#) Thursday ordering EPA to abate some of its procedures regulating six key air pollutants under the Clean Air Act, Eric reports, including a requirement for the agency to consider rescinding all of its past rules, guidance, and orders from the NAAQS program. Read [more](#).

**MAIL CALL! FROM GRIJALVA'S PEN:** In response to the Interior Department's [inspector general report](#) this week, which could not determine why more than two dozen senior executives were reassigned in 2017, House Natural Resources ranking member [Raúl Grijalva](#) called on Bishop to hold an oversight hearing. Specifically, Grijalva is seeking further information from Deputy Secretary David Bernhardt and Associate Deputy Secretary James Cason. Read the letter [here](#).

- **Separately, Grijalva wrote to Zinke Thursday** asking for "a detailed description of the vetting process at DOI for acting and permanent political appointees, including any review of relevant qualifications, background, and ethical considerations." Grijalva expressed concern with agency officials who are reported to have made conspiratorial or racist remarks. He mentioned Kevin Sabo, acting chief of the Office of Congressional and Legislative Affairs at the Bureau of Reclamation, who [compared students](#) who survived the Parkland school shooting to Nazis and promoted conspiracy theories on his personal Facebook page. Interior spokeswoman Heather Swift called the premise of the letter "factually incorrect," and pointed out that "neither individual identified or cited was in a high-ranking leadership position." Swift said Sabo isn't a political appointee and was brought on by the previous administration. Read the [letter](#).

**MARCH FOR SCIENCE KICKS OFF:** The annual March for Science will convene this Saturday across the globe, and will feature more than [230 satellite](#) events, according to maps of those registered to participate. The march, which is meant to amplify the role of science and evidence-based policy, will feature events ranging "from science expos and festivals to rallies and large-scale marches."

**In [Washington D.C.](#), festivities begin at 9 a.m.** at the National Mall with teach-in and expo tents. From 12:30 p.m. until 3:30 p.m. a host of speakers will take the stage including Vinton Cerf, vice president and Chief Internet Evangelist for Google and Mari Copeny, known as "Little Miss Flint." Gulf coast soul band The Suffers will also perform. The march portion of the day will kick into gear around 3:30 p.m.

**HIGH-OCTANE LOVE:** Renewable Fuels Association President Bob Dinneen sent a lengthy [letter](#) to House Energy and Commerce subcommittee Chairman [John Shimkus](#) and ranking member [Paul Tonko](#) on the role of ethanol in the future of high-octane low carbon fuels. The subcommittee will hold a hearing today on challenges and opportunities in high octane fuels and high efficiency vehicles. **If you go:** It begins at 9 a.m. in 2123 Rayburn.



## QUICK HITS

- Pruitt's lobbyist landlord being pressured to leave his firm, [The Daily Beast](#).
- A bird's fate sharpens focus on ESA - and on key official, [E&E News](#).
- Pruitt borrowed a few paintings from the Smithsonian. Here they are, [The New Republic](#).
- The climate stakes of nuclear plant retirements, [Axios](#).
- Chevron, Exxon seek 'small refinery' waivers from U.S. biofuels law, [Reuters](#).
- Mining company fights 'bad actor' polluter label in Montana, [Associated Press](#).

## THAT'S ALL FOR ME!

**\*\* A message from the American Petroleum Institute:** The oil and natural gas industry supports over 10 million jobs and almost 8 percent of the U.S. GDP. We support common-sense energy policies that promote safe energy development that will advance America's energy and economic future, while strengthening our national security. Recent studies find that opening up the Outer Continental Shelf (OCS) for U.S. energy exploration and development could bring significant jobs, investments, and state revenue for public education and infrastructure to coastal states and across the nation. Natural gas and oil non-station jobs pay an average salary of \$101,000 with many not requiring college degrees. The Atlantic OCS alone could support 265,000 new jobs, an additional \$20 billion per year in new private investment, and contribute \$22 billion per year to the U.S. economy. Studies on the Eastern Gulf of Mexico, Pacific, and Alaska found similar benefits to opening up the OCS for offshore development. Read the highlights of the economic impact studies: <http://bit.ly/2FPgybN> \*\*

*To view online:*

<https://www.politico.com/newsletters/morning-energy/2018/04/13/pruitts-security-blanket-168376>

**To change your alert settings, please go to <https://secure.politico.com/settings>**

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**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** POLITICO Pro Energy  
**Sent:** Fri 4/13/2018 9:44:44 AM  
**Subject:** Morning Energy, presented by the American Petroleum Institute: Pruitt's security blanket — EPA gets its second-in-command — National park fees less than expected

By Kelsey Tamborrino | 04/13/2018 05:42 AM EDT

*With help from Anthony Adragna*

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**\*\* A message from the American Petroleum Institute:** Safe energy exploration and development in the Outer Continental Shelf could bring significant jobs, investments, and state revenue for public education and infrastructure to coastal states and across the nation, as well as strengthen our national security. Recently released studies highlight the potential economic benefits here: <http://bit.ly/2FPgybN> \*\*

**BIG SPENDER:** Pruitt showed a penchant for spending during his time as attorney general of Oklahoma, according to a report in The Intercept. In particular, spending at the AG's office in 2014 came in at \$27.7 million higher than his predecessor Drew Edmondson, according to a state audit published in 2016. Almost \$23 million of Pruitt's total budget fell into a category called "administrative expenses."

**Pruitt also upgraded the AG office's vehicles.** According to numbers provided by Oklahoma's Office of Management and Enterprise Services. When Pruitt left for EPA, "his state agency had 303 cars and trucks, up from 277 when Edmondson left office in 2011," the Intercept reports. The EPA chief also rode in a nicer car than his predecessor, state auditor Gary Jones told the Intercept. "He went and got himself a big, black SUV just like the governor's," said Jones, who noted that Edmondson had made do with a Ford Crown Victoria. Read the story.

**SOMETHING NICE TO SAY:** Oregon Gov. Kate Brown visited the offices of media company Willamette Week, where she offered kind words for Pruitt's Superfund efforts, when asked where she agreed with the Trump administration. "The one thing that I am actually pleased that we are working together on is with the administrator of the EPA, and that is cleaning up the Portland Harbor," she said. "He's absolutely committed to making this happen, as am I. It's a job creator." Read more.

**ETHANOL INDUSTRY GETS A WIN:** The president Thursday pledged support for year-round sales of 15 percent ethanol blends in gasoline, marking a win for the ethanol industry.

"We're going to raise it up to 15 percent and raise it to a 12-month period," Trump told reporters in response to questions about the biofuel, adding that "makes a lot of farmers very happy." Pro's Eric Wolff [reports](#) Trump's remarks mark a policy change long-sought by ethanol producers and their farm-state allies to win year-round sales of higher blends of ethanol in all states.

**TRUMP AIMS TO CUT RED TAPE:** Trump also issued a [memorandum](#) Thursday ordering EPA to abate some of its procedures regulating six key air pollutants under the Clean Air Act, Eric reports, including a requirement for the agency to consider rescinding all of its past rules, guidance, and orders from the NAAQS program. Read [more](#).

**MAIL CALL! FROM GRIJALVA'S PEN:** In response to the Interior Department's [inspector general report](#) this week, which could not determine why more than two dozen senior executives were reassigned in 2017, House Natural Resources ranking member [Raúl Grijalva](#) called on Bishop to hold an oversight hearing. Specifically, Grijalva is seeking further information from Deputy Secretary David Bernhardt and Associate Deputy Secretary James Cason. Read the letter [here](#).

— **Separately, Grijalva wrote to Zinke Thursday** asking for "a detailed description of the vetting process at DOI for acting and permanent political appointees, including any review of relevant qualifications, background, and ethical considerations." Grijalva expressed concern with agency officials who are reported to have made conspiratorial or racist remarks. He mentioned Kevin Sabo, acting chief of the Office of Congressional and Legislative Affairs at the Bureau of Reclamation, who [compared students](#) who survived the Parkland school shooting to Nazis and promoted conspiracy theories on his personal Facebook page. Interior spokeswoman Heather Swift called the premise of the letter "factually incorrect," and pointed out that "neither individual identified or cited was in a high-ranking leadership position." Swift said Sabo isn't a political appointee and was brought on by the previous administration. Read the [letter](#).

**MARCH FOR SCIENCE KICKS OFF:** The annual March for Science will convene this Saturday across the globe, and will feature more than [230 satellite](#) events, according to maps of those registered to participate. The march, which is meant to amplify the role of science and evidence-based policy, will feature events ranging "from science expos and festivals to rallies and large-scale marches."

**In [Washington D.C.](#), festivities begin at 9 a.m.** at the National Mall with teach-in and expo tents. From 12:30 p.m. until 3:30 p.m. a host of speakers will take the stage including Vinton Cerf, vice president and Chief Internet Evangelist for Google and Mari Copeny, known as "Little Miss Flint." Gulf coast soul band The Suffers will also perform. The march portion of the day will kick into gear around 3:30 p.m.

**HIGH-OCTANE LOVE:** Renewable Fuels Association President Bob Dinneen sent a lengthy [letter](#) to House Energy and Commerce subcommittee Chairman [John Shimkus](#) and ranking member [Paul Tonko](#) on the role of ethanol in the future of high-octane low carbon fuels. The subcommittee will hold a hearing today on challenges and opportunities in high octane fuels and high efficiency vehicles. **If you go:** It begins at 9 a.m. in 2123 Rayburn.

## QUICK HITS

- Pruitt's lobbyist landlord being pressured to leave his firm, [The Daily Beast](#).
- A bird's fate sharpens focus on ESA — and on key official, [E&E News](#).
- Pruitt borrowed a few paintings from the Smithsonian. Here they are, [The New Republic](#).
- The climate stakes of nuclear plant retirements, [Axios](#).
- Chevron, Exxon seek 'small refinery' waivers from U.S. biofuels law, [Reuters](#).
- Mining company fights 'bad actor' polluter label in Montana, [Associated Press](#).

## HAPPENING TODAY

8:00 a.m. — The Johns Hopkins University Paul H. Nitze School of Advanced International Studies [discussion](#) on "Canadian Natural Gas Energy Frontiers: How Canadian Firms and Governments are Responding," 1619 Massachusetts Avenue NW

9:00 a.m. — House Energy and Commerce Environment Subcommittee [hearing](#) on "High Octane Fuels and High Efficiency Vehicles: Challenges and Opportunities," 2123 Rayburn

9:00 a.m. — The University of Chicago's Booth School of Business holds [Energy Forward conference](#), Chicago

11:00 a.m. — House Appropriations Homeland Security Subcommittee [hearing](#) on the FY 2019 budget for FEMA, 2359 Rayburn

1:00 p.m. — The National Audubon Society teleconference on the Migratory Bird Treaty Act

**CORRECTION:** The April 12 edition of Morning Energy misidentified the rank of a Democrat on the Foreign Relations Committee. Sen. Ben Cardin is a senior Democrat on the panel.

## THAT'S ALL FOR ME!

**\*\* A message from the American Petroleum Institute:** The oil and natural gas industry supports over 10 million jobs and almost 8 percent of the U.S. GDP. We support common-sense energy policies that promote safe energy development that will advance America's energy and economic future, while strengthening our national security. Recent studies find that opening up the Outer Continental Shelf (OCS) for U.S. energy exploration and development could bring significant jobs, investments, and state revenue for public education and infrastructure to coastal states and across the nation. Natural gas and oil non-station jobs pay an average salary of \$101,000 with many not requiring college degrees. The Atlantic OCS alone could support 265,000 new jobs, an additional \$20 billion per year in new private investment, and contribute \$22 billion per year to the U.S. economy. Studies on the Eastern Gulf of Mexico, Pacific, and

Alaska found similar benefits to opening up the OCS for offshore development. Read the highlights of the economic impact studies: <http://bit.ly/2FPgybN> \*\*

*To view online:*

<https://www.politicopro.com/newsletters/morning-energy/2018/04/pruitts-security-blanket-168376>

## Stories from POLITICO Pro

### Former staffer: EPA fired him for refusing to OK first-class flight [Back](#)

By Alex Guillén | 04/12/2018 11:42 AM EDT

A former top EPA staffer has told Democratic lawmakers that the agency fired him after he refused to retroactively approve the first-class travel of one of Administrator Scott Pruitt's closest aides, according to letters made public Thursday.

The dismissed political appointee, Kevin Chmielewski, also alleged that Pruitt flouted price limits on hotel stays and office decor, put an aide to work house-hunting for him, arranged taxpayer-funded trips to his native Oklahoma and other destinations just because he wanted to travel there and lied last week when he denied knowing about backdoor raises the agency had granted to two of his top aides, the lawmakers said Thursday in a [letter](#) to the agency.

In addition, Chmielewski detailed allegations of lavish spending on Pruitt's personal security and a possible conflict of interest involving his top bodyguard, as well a \$100,000-per-month private jet rental that he says EPA looked into at Pruitt's direction. He also said, as POLITICO [reported](#) last week, that Pruitt was frequently late in paying the \$50-a-night rent on his lobbyist-owned Capitol Hill condo last year.

The lawmakers, including Sens. Tom Carper (D-Del.) and Sheldon Whitehouse (D-R.I.), separately wrote to President Donald Trump and urged him to rethink his [public support](#) for the embattled EPA chief.

"... [I]t appears you may not have received all the facts surrounding Administrator Pruitt's spending, security arrangements, travel, living arrangements, and personnel actions, among other things," they wrote.

Carper and Sen. Jeff Merkley (D-Ore.) separately [asked](#) EPA's inspector general on Thursday to look into Pruitt's alleged use of four different email accounts at EPA, and whether federal record-keeping laws were followed.

EPA spokesman Jahan Wilcox declined to specifically dispute the allegations from Chmielewski outlined in the letter, saying the agency would respond to the lawmakers "through the proper channel." When Chmielewski's dismissal was first reported last week, Wilcox [called](#) him one of "a group of disgruntled employees who have either been dismissed or reassigned."

Chmielewski, a former Trump campaign staffer, was EPA's deputy chief of staff for operations and handled many of Pruitt's travel and logistics coordination. He has emerged as the best-known internal agency critic of Pruitt's lavish spending and other practices, which have led lawmakers of both parties — and key White House aides — to push for the administrator's firing.

Among his specific charges, Chmielewski told the lawmakers this week that Pruitt had requested that his aide Samantha Dravis, the head of EPA's Office of Policy, join him in first class on a return flight from Morocco in December, where Pruitt had gone to promote U.S. natural gas.

Chmielewski told the lawmakers he refused to sign paperwork justifying Dravis' first-class travel "because it violated federal travel regulations," the Democrats wrote. He said another EPA staffer eventually signed off on the travel retroactively.

Chmielewski said his refusal to bless Dravis' upgraded travel "appears to him to have been the final straw that caused you to remove him," the lawmakers wrote to Pruitt. Ryan Jackson, Pruitt's chief of staff, subsequently informed Chmielewski that Pruitt "wished to fire or reassign him," they wrote.

Dravis disputed Chmielewski's allegations, telling POLITICO that she never spoke with him about the upgrade approval, that she did not request the upgrade and that it was not approved retroactively. Dravis said she flew coach for three of the four legs of the trip, and was upgraded to business class for one of them in keeping with federal regulations about travel exceeding 14 hours.

Democrats and environmental groups have questioned the entire purpose of the Morocco trip, noting that EPA's mission doesn't include promoting U.S. natural gas exports. Energy Secretary Rick Perry declined to weigh in on that issue at a House Energy and Commerce Committee hearing Thursday, saying it would be "a little inappropriate for me to be making a public or private observation" about whether Pruitt's trip was justified.

Chmielewski also disputed Pruitt's statement last week to Fox News that he did not know about raises that two of his aides, who had accompanied him to EPA from Oklahoma, received despite the White House's disapproval. Pruitt told Fox that the raises were entirely carried out by unidentified staffers, and that he was correcting the matter after learning of it.

But Chmielewski said the raises were "100% Pruitt himself," according to a quote included in the Democrats' letter.

Chmielewski told the lawmakers that his dismissal came in February when the head of Pruitt's security detail, Nino Perrotta, asked him to give up his government credentials when he returned to the agency after an unrelated overseas trip with Vice President Mike Pence.

According to the letter, Jackson told Chmielewski that Pruitt wanted him removed and one of the Oklahoma aides, Millan Hupp, promoted to his job and pay scale. Chmielewski said the White House would not approve of that arrangement, but that he later was removed and Hupp received the promotion and pay raise via special hiring authority in the Safe Drinking Water Act.



Other allegations made by Chmielewski, according to the letters, include:

— Pruitt's security detail has purchased bulletproof vests, weapons and biometric locks and new SUVs to transport Pruitt, as opposed to getting vehicles via the General Services Administration. Chmielewski also alleges EPA has awarded security contracts to at least one person who works at the private security firm run by Perrotta.

— Pruitt had Hupp search for housing during work hours.

— Pruitt spent more than the \$5,000 legal limit to redecorate his office.

— EPA staff, at Pruitt's direction, considered a \$100,000-per month private jet rental for the administrator. Chmielewski "claimed he successfully prevented this from occurring, as it would have been far in excess of the total travel budget of the office," the Democrats wrote.

— Pruitt allegedly sought to travel to certain destinations and would ask EPA staff to find official business there to justify the taxpayer-funded trips. Chmielewski also says Pruitt told staff to find official reasons for him to be in or near Oklahoma to spend long weekends at home there.

— Pruitt "frequently" stayed in pricey hotels that exceeded allowable per diem spending, and that while Pruitt was reimbursed even when costs went over a 300 percent cap for exceptional circumstances, his bodyguards sometimes were not.

— Pruitt declined to plan to stay at hotels recommended by U.S. embassies during two planned international trips, choosing instead "more expensive hotels with fewer standard security resources."

"The new information provided by Mr. Chmielewski, if accurate, leaves us certain that your leadership at EPA has been fraught with numerous and repeated unethical and potentially illegal actions on a wide range of consequential matters that you and some members of your staff directed," the lawmakers wrote to Pruitt in asking for more documents.

Besides Carper and Whitehouse, the letters were signed by Reps. Elijah Cummings (D-Md.), Gerry Connolly (D-Va.) and Don Beyer (D-Va.).

*To view online [click here](#).*

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**Exclusive: EPA removes staffer who OK'd report on Pruitt's security** [Back](#)

By Emily Holden | 04/10/2018 12:45 PM EDT

EPA removed a career staffer Tuesday who approved an internal report that undermined

Administrator Scott Pruitt's claims that he needed around-the-clock bodyguards and other expensive security protection, according to two former agency employees familiar with the situation.

Mario Caraballo was the deputy associate administrator of EPA's Office of Homeland Security, which in February concluded that an earlier assessment failed to identify credible direct threats against the administrator that would justify his heavy security spending.

Sens. Tom Carper (D-Del.), the ranking member on the Environment and Public Works Committee, and Sheldon Whitehouse (D-R.I.) wrote to Chairman John Barrasso (R-Wyo.) on Tuesday requesting oversight hearings and quoting the report, making public its doubts about the need for the heightened security.

One source with direct knowledge of Caraballo's dismissal said the agency claimed he was let go because of a personnel issue from a previous military job nearly a decade ago that had been resolved then and already been reviewed by EPA several years ago. That source said senior officials also were not happy with the report from Caraballo's office.

"They're trying right now to just keep pressure on the wound," the source said. "They're trying to find out where these leaks are coming from ... They're in full panic mode right now."

EPA Principal Deputy Assistant Administrator Donna Vizian said the agency would not comment on personnel matters. But she added that today's action "was based on a recommendation by the Office of Administration and Resources Management. I am not aware of any connection between the personnel matter and the document mentioned in media reports."

A career EPA staffer who has worked with Caraballo described him as a "standout manager," and a "veteran and dedicated public servant and intelligence official to boot."

The source predicted Caraballo's dismissal would stiffen the resolve of Pruitt's critics within the agency.

"This isn't going to frighten staff, this is going to embolden us to leak more to get these criminals out," the employee said Tuesday. "They need to know we're not intimidated and we're going to blow the whistle on anything even borderline questionable."

In their letter to Barrasso, the two Senate Democrats said the records from the EPA, Secret Service and a terrorism task force fail to justify Pruitt's use of the multimillion-dollar security detail.

Instead, according to the internal EPA memo, the "threats" include protesters attempting to disrupt one of Pruitt's closed-door speeches, a letter from a prisoner, and a postcard that included the greeting: "CLIMATE CHANGE IS REAL!!! We are watching you," Carper and Whitehouse wrote to Environment and Public Works Chairman John Barrasso (R-Wyo.).

The two Democrats demanded oversight hearings into Pruitt's security spending, citing an

internal EPA review, Secret Service threat assessments and a Joint Terrorism Task Force report.

But Barrasso rejected their request, while bashing the two Democrats for releasing "sensitive information."

"I am deeply troubled that members of the committee would publicly release law enforcement sensitive information regarding the safety and security of a cabinet member and his family," Barrasso said in a statement. "This letter selectively quotes non-public documents."

Barrasso added that "any reasonable reading" of those documents supported a conclusion that Pruitt faced a "variety of direct death threats."

To the contrary, Carper and Whitehouse said the Secret Service identified no "reports of behaviors of interest" against Pruitt, and internal EPA reviews dispute "the administrator's claims that the nature of the threats against him justify his expenditures."

Pruitt has drawn widespread scrutiny for demanding a round-the-clock security detail, flying first-class to limit contact with threatening passengers, and having a soundproof booth installed in his office, among other steps — all of which offered far greater protection and privacy than his predecessors received. The Associated Press, citing an unnamed EPA official, said last week Pruitt's "total security costs approached \$3 million when pay is added to travel expenses."

EPA has said Pruitt has experienced a sharp increase in threats compared with his immediate predecessor, Obama-era Administrator Gina McCarthy. Among specific incidents, the agency said one person had approached Pruitt in the Atlanta airport while yelling, "Scott Pruitt, you're f---ing up the environment."

In one of the nonpublic documents Carper and Whitehouse cited, the EPA Office of Homeland Security's intelligence team concluded that an earlier threat assessment prepared by Pruitt's security team "**DOES NOT** employ sound analysis or articulate relevant 'threat specific' information appropriate to draw any resource or level of threat conclusions regarding the protection posture for the administrator," according to a section of the Feb. 14 memo reproduced in the senators' letter (emphasis included). The memo concluded that EPA intelligence officials had "not identified any specific credible direct threat to the EPA administrator," according to the letter.

None of the incidents listed concern air travel, according to the letter.

The senators said the records don't match public statements from EPA and President Donald Trump, who tweeted Saturday that Pruitt's expenses are justified.

One view is "that certain factions within EPA have justified the exorbitant taxpayer spending incurred by the administrator's first-class travel and large entourage of security personnel through unsubstantiated claims about threats to his security, either at the direction of the administrator himself or others in the agency," the senators said.

EPA spokesman Jahan Wilcox said Tuesday that "Scott Pruitt has faced an unprecedented amount of death threats against him and these threat assessments are conducted within [Office of Enforcement and Compliance Assurance] using information collected from the [Protective Service Detail], EPA's Office of Homeland Security, and Inspector General." He pointed to interviews with EPA's inspector general office discussing an increase in threats compared to the previous administrator's tenure.

*Alex Guillen contributed to this report.*

*To view online [click here](#).*

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### **Lobbyist couple had to change the locks on Pruitt [Back](#)**

By Eliana Johnson | 04/06/2018 03:13 PM EDT

Scott Pruitt was only supposed to be living in the Capitol Hill condominium that has become a focal point of his latest ethics controversy for six weeks last year while he got settled in Washington - but the new Environmental Protection Agency administrator didn't leave when his lease ended.

Instead, he asked the lobbyist couple who became his disgruntled landlords to revise his lease several times, according to two people with knowledge of the situation.

The couple, Vicki and Steve Hart, became so frustrated by their lingering tenant that they eventually pushed him out and changed their locks. After trying to nudge Pruitt out of their home over the course of several months, the Harts finally told Pruitt in July that they had plans to rent his room to another tenant.

"The original arrangement was that he would be there living out of a suitcase ... and it just kept going and going," said one of the people with knowledge of the arrangement.

The condo, in which Pruitt rented a bedroom for \$50 a night, has attracted the attention of the EPA's inspector general, which said Thursday it was considering opening an investigation. The agency is already reviewing Pruitt's taxpayer-funded first-class travel, his use of a special hiring authority to grant raises to aides and his spending on a soundproof phone booth for his office.

The president has dismissed two Cabinet secretaries in recent weeks — his former secretary of state, Rex Tillerson, and his former secretary of Veterans Affairs, David Shulkin — as well as a senior White House aide, national security adviser H.R. McMaster, making Pruitt the latest in a series of top Trump officials to risk losing their job.

The president denied in a tweet Friday that he had plans to get rid of him: "Do you believe that the Fake News Media is pushing hard on a story that I am going to replace A.G. Jeff Sessions

with EPA Chief Scott Pruitt, who is doing a great job but is TOTALLY under siege? Do people really believe this stuff? So much of the media is dishonest and corrupt!"

The former Oklahoma attorney general, who has played an integral role in Trump's efforts to slash federal regulations, is a favorite of some of Trump's conservative backers. They have encouraged the president to keep him, while chief of staff John Kelly has encouraged Trump to let him go.

Pruitt has been the target of a number of damaging media reports this week, including one Thursday from The New York Times that [detailed](#) how at least five EPA officials were pushed out of their jobs or resigned after questioning the EPA chief's expensive spending habits.

Both people familiar with the condo arrangement described Pruitt as a difficult tenant who, intoxicated by his newfound power, paid little attention to the headaches he was causing others.

Prior to Pruitt's arrival in Washington, Steve Hart — an energy lobbyist who, like Pruitt, is a native Oklahoman — had been a friend and supporter of the EPA administrator. He and his wife, a health care lobbyist, viewed the six-week living arrangement as a favor for a friend.

They drew up a lease running from February through April 1, 2017, said the people familiar with it, in order to make sure neither they nor Pruitt ran afoul of ethics rules, which prohibit political appointees from accepting gifts from lobbyists. Under the terms of that lease, Pruitt paid a cut rate of \$50 per night to stay in the condominium.

That favor turned into a headache for the couple when Pruitt repeatedly asked to extend his lease. "There were gentle questions regarding, OK, when are you going to leave and what have you ... and they even started sending him ads of places close by that he could rent," said the first person.

"Scott Pruitt is the Kato Kaelin of Capitol Hill. He is the long-term house guest who takes advantage of his hosts and refuses to take a hint about when it's time to leave," the second person said.

A spokesman for Pruitt did not immediately reply to a request for comment.

The Harts eventually told Pruitt, who had to be reminded repeatedly to pay his rent, that they had plans to rent the room to somebody else — and that he needed to find another place to live, according to the people familiar with events. They also informed him in early August that they were changing the locks on their door.

*To view online [click here](#).*

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**Former staffer: EPA fired him for refusing to OK first-class flight** [Back](#)

By Alex Guillén | 04/12/2018 11:42 AM EDT

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The dismissed political appointee, Kevin Chmielewski, also alleged that Pruitt flouted price limits on hotel stays and office decor, put an aide to work house-hunting for him, arranged taxpayer-funded trips to his native Oklahoma and other destinations just because he wanted to travel there and lied last week when he denied knowing about backdoor raises the agency had granted to two of his top aides, the lawmakers said Thursday in a [letter](#) to the agency.

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*To view online [click here](#).*

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**Former Trump EPA official met Oversight Republican staff today** [Back](#)

By Anthony Adragna | 04/12/2018 04:06 PM EDT

A former Trump EPA political appointee, Kevin Chmielewski, met with House Oversight Committee staff today to discuss his allegations of mismanagement and ethical lapses by Administrator Scott Pruitt, a spokeswoman confirmed.

That comes on the same day as congressional Democrats [released a letter](#) after meeting with Chmielewski detailing lavish spending habits, retaliation against aides who questioned Pruitt's actions and other ethically dubious behavior. Chmielewski, formerly EPA's deputy chief of staff for operations who handled many of Pruitt's travel and logistics coordination, told them he was fired after refusing to sign off on first-class travel for one of Pruitt's closest aides.

Oversight Chairman [Trey Gowdy](#) (R-S.C.) has been looking into Pruitt's behavior. He sent a



letter Wednesday demanding additional records on the administrator's first-class travel arrangements and Capitol Hill condo agreement with a Washington lobbyist couple.

*To view online [click here](#).*

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## **Pruitt's security chief goaded spending, employees say [Back](#)**

By Emily Holden and Alex Guillén | 04/12/2018 08:13 PM EDT

Environmental Protection Agency Administrator Scott Pruitt has had a willing partner in pushing for his massive spending on bodyguards and first-class flights, current and former EPA officials say — the Secret Service veteran who heads his security detail.

Pasquale "Nino" Perrotta played a key role in the investigation into mobster John "Junior" Gotti in the 1990s, and he's boasted of his exploits with women, firearms and luxury watches in a self-published autobiography. Now he's running security for the nation's top environmental regulator like a lavishly funded SWAT team, according to interviews with seven people who have worked with him under both the Trump and Obama administrations.

The current and former staffers say that rather than acting as a restraint on Pruitt, who came into the agency a year ago demanding round-the-clock bodyguards, Perrotta has instead egged him on — indulging his requests for a 19-person security detail, high-performance SUV, \$43,000 soundproof booth and bug-sweep of his offices, as well as first-class flights to limit his exposure to potential threats from fellow passengers. Perrotta has even barred all but a select group of agency employees from entering rooms and corridors near Pruitt's offices, according to Ron Slotkin, a career official who recently retired as director of the EPA's multimedia office.

Perrotta has also accompanied Pruitt on flights and offered him advice on environmental policy and other agency matters, according to two of the sources.

Slotkin said Perrotta and others around Pruitt strained repeatedly against any restrictions on their activity, including longstanding federal limits on spending and conduct.

"They would object to anything when we said, 'No, you can't do that' or 'That would be wrong,'" Slotkin said. He added: "We'd say, 'It's not a matter of legality, it's ethics, it's the way things look.' But they went out of their way to do something different."

Now Perrotta's own ethics are drawing scrutiny from members of Congress looking into Pruitt's actions. Five Democratic lawmakers alleged in a letter sent to President Donald Trump on Thursday that EPA issued at least one contract to an employee of Perrotta's private security firm, and that other contracts may have gone to Perrotta's "friends or associates," based on allegations from former agency deputy chief of staff Kevin Chmielewski.

Chmielewski, a former Trump campaign aide, has told lawmakers EPA fired him after he refused to retroactively approve first-class travel for one of Pruitt's closest aides, former agency policy chief Samantha Dravis, according to the letter from Democrats including Sens. Tom Carper of Delaware and Sheldon Whitehouse of Rhode Island. He also told the lawmakers that Perrotta threatened to go to his home to seize his EPA parking pass — adding that he "didn't give a f---" who might be listening to their phone call.

Perrotta did not respond to multiple requests for comment.

Agency spokesman Jahan Wilcox defended EPA's decisions on Pruitt's security arrangements, calling them "similar to security protocol across the federal government." He added that the agency had done similar security sweeps for former President Barack Obama's two EPA administrators, Lisa Jackson and Gina McCarthy.

"According to EPA's Assistant Inspector General, Scott Pruitt has faced an unprecedented amount of death threats against him and security decisions are made by EPA's Protective Service Detail," Wilcox said in a statement. "Americans should all agree that members of the President's cabinet should be kept safe from these violent threats."

Pruitt's spending, relationships with industry lobbyists and reputation for excessive secrecy have generated calls for his firing from Democratic lawmakers, some Republicans and even White House staff. But he still has at least a public champion in Trump, who tweeted last weekend that "Scott is doing a great job!"

To the contrary, the current and former agency employees say Pruitt has fostered an atmosphere of chaos, mistrust and disregard for optics — and that Perrotta has been a crucial part of it.

Several said Perrotta's personality and Pruitt's expectations are both probably driving EPA's security spending, adding that other key aides have signed off on the administrator's expenses either willingly or begrudgingly.

"He'll do anything to satisfy his boss," said one departed career staffer.

Perrotta was born to Italian immigrants in New York and has spent his life in law enforcement, including in the Secret Service, where he said he protected presidents and dignitaries and investigated financial and organized crimes, according to "Dual Mission," the autobiography he self-published in 2016.

In the book, he calls himself "completely misunderstood by most," including family, friends and coworkers, in large part because of his "high level of energy." Former and current colleagues have described Perrotta as rigidly loyal but also enthusiastic to push boundaries to get what he wants — an impression his book supports.

He recalls "creatively" finding ways to show probable cause to get warrants, providing financial incentives to police, and making sources of female "friends," "showering them with gifts that I was easily able to afford."

Perrotta said he also let women hold his government-issued firearm in romantic situations. "It was, in some ways, like a dangerous, forbidden sex toy to some, and I played right along," he recalled.

He said he liked the finer things, including a Rolex Submariner watch that he wore in his youth. When working for the Secret Service in Bulgaria, he wrote, he dressed "more like a gangster than law enforcement," clad in square-toed, black biker boots and a black, Italian-made turtleneck sweater with a ".380 Sig" gun tucked underneath.

He joined EPA in 2004. That eventually brought him into Pruitt's orbit.

Pruitt, a former Oklahoma attorney general, had built a reputation in conservative Republican circles for his frequent lawsuits against the EPA's Obama-era regulations, putting him at odds with much of the agency's workforce. And his penchant for lavish spending was documented even before he arrived in Washington: An audit in Oklahoma showed that expenses at the attorney general's office surged during his tenure compared with his predecessor's, The Intercept reported Thursday.

When Pruitt arrived at EPA after his confirmation in February 2017, his transition team had already made it clear that he expected around-the-clock security, a former agency employee who was there at the time said.

A week after Pruitt's first day at the agency, top staffers had a meeting on "24/7 security," according to calendars obtained by the watchdog group American Oversight. Chief of staff Ryan Jackson met for half an hour with security officials including Henry Barnett, the director of the criminal enforcement office where Pruitt's security detail is housed.

Perrotta was soon promoted to replace a career staffer who had pushed back on the administrator's desire to use sirens to navigate D.C. traffic. He quickly developed a close relationship with Pruitt.

As head of Pruitt's security detail, Perrotta has been instrumental in decisions for him to fly only first-class, upgrade to a souped-up SUV and have his office swept for bugs, a former Trump administration official said. Perrotta has also overseen Pruitt's 19-person crew of bodyguards, which is three times the size of the team that protected McCarthy — and offers 24/7 protection that exceeds what most Cabinet members receive.

"Mr. Pruitt thinks he's the president of the United States," said the first former career staffer. "He's big on image."

The office sweep for listening devices — which was conducted by a company linked to Perrotta — rankled some career staffers and led to a scuffle between Perrotta and a member of the agency's homeland security office at a meeting last summer, The New York Times reported Thursday.

Despite EPA's argument that Pruitt has received a record number of death threats, an internal

report from the agency's Office of Homeland Security suggests that the threats mainly consist of letters and criticism on social media that don't warrant such blanket protection. (On Tuesday, the agency dismissed a staffer who had signed off on the memo and argued with Perrotta, for what it insists were issues dating back several years.)

But several current and former EPA staffers say they also consider the security fears overblown.

"We never saw any threat, never heard any threat," said Slotkin, the former multimedia director. "If anything, it came from Pruitt, we would hear him speak about it. But there was no evidence that anybody could even get near him."

That included many EPA employees: Slotkin said Perrotta cordoned off Pruitt's suite of offices inside EPA's headquarters at Federal Triangle, posting security guards to keep out anyone who wasn't on an approved list. One restricted area was a chandelier-decorated conference room named after environmentalist Rachel Carson where agency employees had previously been allowed to hold events, Slotkin said.

"He didn't want anybody near him," Slotkin said.

Soon Perrotta was flying with Pruitt and discussing matters that went beyond security, two former employees said.

"It wasn't uncommon that given travel and Nino's proximity, he would always weigh in on matters beyond his scope as security, leveraging his institutional knowledge," one said. "He often would say what he recalled prior administrators doing."

By the spring of last year, Perrotta was regularly attending travel planning meetings with top political staff, including a March 30 international scheduling discussion and an April 10 talk on international travel, according to EPA records.

He and other security agents were closely involved in planning in May for a trip the following month to Italy, where Pruitt visited the Vatican and then attended G-7 environment meetings in Bologna. Perrotta had lived for two years in Rome on Secret Service assignment, where he made many connections, according to his book.

Wilcox said the security arrangements on the Italy trip were not novel. "EPA's Protective Service Detail tried to replicate the same security measures taken when EPA Administrator Gina McCarthy traveled to Italy in 2015," he wrote.

Thursday's congressional letter offered a new detail about Perrotta: The Democratic senators said Chmielewski reported that Perrotta entered into a \$30,000 contract with private Italian security personnel for that trip. Records have revealed that expense but did not disclose whether it was for a private detail.

One of the former EPA staffers said Perrotta was friends with those guards. That source described Pruitt's protection while in Italy as extensive, with security agents from EPA and the

U.S. Embassy, in addition to a large group of local agents.

News reports have revealed Pruitt also had a soundproof booth constructed for his office and considered having bulletproof desks installed.

And the spending isn't over. EPA also appears to be planning to purchase bulletproof vests specially designed to blend in underneath regular clothing for his security detail, according to a [solicitation](#) issued on Friday. The solicitation calls for 16 white-colored vests of varying sizes manufactured by Velocity Systems, along with corresponding armor made of "special threat enhanced steel" and cummerbunds that provide enhanced protection.

The armor requested is just over a quarter-inch thick and can protect against the type of bullets shot from AK-47 rifles and some AR-15 semi-automatics, according to Velocity Systems' [website](#).

EPA would not confirm to POLITICO whether the armor is for Pruitt's protective detail or for other agents, saying only that all agents in EPA's criminal enforcement division, which includes Pruitt's detail, "are assigned bulletproof vests" and that the effectiveness of the vests expires every five years. But a source familiar with EPA's security operations said the vests are likely for Pruitt's bodyguards because of their unusual specifications and the number requested. Other enforcement agents wouldn't need their vests to be concealed, that source said.

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## **Senate confirms Wheeler as EPA deputy [Back](#)**

By Anthony Adragna | 04/12/2018 04:32 PM EDT

The Senate today confirmed lobbyist Andrew Wheeler to be deputy EPA administrator, sending the beleaguered agency a second-in-command as Administrator Scott Pruitt faces an uncertain future amid a torrent of ethics scandals.

Wheeler, a long-time former Senate aide, cleared the chamber by a vote 53-45. Democrats [Joe Manchin](#) of West Virginia, [Heidi Heitkamp](#) of North Dakota and [Joe Donnelly](#) of Indiana supported him, as did every Republican who voted.

Democrats and the environmental community rallied hard against the nomination, pointing to Wheeler's work as a coal lobbyist and his time working as an aide to the climate change-denying Sen. [Jim Inhofe](#) (R-Okla.). And they argued he hasn't undergone sufficient scrutiny in the event he must step in to run the agency indefinitely should the Senate have to launch the [uphill battle](#) to confirm a replacement for Pruitt.

Wheeler has worked at the law firm Faegre Baker Daniels since 2009, where his past lobbying

clients included coal producer Murray Energy, Xcel Energy, Bear Head LNG and Energy Fuels Resources. He provided advice and counsel, but not lobbying work, to International Paper, Archer Daniels Midland and General Mills.

**WHAT'S NEXT:** Wheeler will be sworn in at EPA, where he would be next in line to run the agency in the event of a vacancy.

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### **Trump pledges to expand ethanol sales [Back](#)**

By Eric Wolff | 04/12/2018 12:37 PM EDT

President Donald Trump said today the administration would allow year-round sales of 15 percent ethanol blends in gasoline, handing the ethanol industry a big victory.

"We're going to raise it up to 15 percent and raise it to a 12-month period," Trump told reporters said in response to questions about the biofuel today, adding that "makes a lot of farmers very happy."

Trump's statement endorses a policy change long-sought by ethanol producers and their farm-state allies in Congress to win year-round sales of higher blends of ethanol in all states. The Clean Air Act restricts when the ethanol blends above 10 percent can be sold to exclude the summer months in order to reduce air pollution.

EPA has already [begun](#) the groundwork that could lead to a proposed rule for a waiver for the higher ethanol blends. USDA has been pushing for such a waiver in light of news that EPA has been granting exemptions from the Renewable Fuel Standard for at least 25 small refineries, at least twice as many as in previous years.

Granting such a waiver will be vigorously opposed by oil companies, who are expected to challenge change in court.

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### **Trump orders EPA to review Clean Air Act orders and speed permits [Back](#)**

By Eric Wolff | 04/12/2018 02:55 PM EDT

President Donald Trump issued an [executive order](#) today ordering EPA to ease some of its

procedures around the regulating of six key air pollutants under the Clean Air Act.

"These actions are intended to ensure that EPA carries out its core missions of protecting the environment and improving air quality in accord with statutory requirements, while reducing unnecessary impediments to new manufacturing and business expansion essential for a growing economy," the order says.

Highlights from the order include:

- EPA must complete reviews of state plans to reduce pollution within 18 months.
- It must complete reviews of project pre-construction permits within a year.
- Review the federal plans imposed on some states under the regional haze program to see if they can be replaced with state plans.
- When considering emissions levels, EPA must take into account pollution from other countries, even in states that are not on U.S. borders. It also must consider whether states have reduced pollution to "background levels."
- Allow states to engage in trading of pollution offsets.

The order also requires EPA to consider rescinding all of its past rules, guidance, and orders from the NAAQS program.

"This memorandum helps ensure that EPA carries out its core mission, while reducing regulatory burdens for domestic manufacturing," EPA Administrator Scott Pruitt said in a statement.

The Clean Air Act requires EPA to conduct reviews every five years of acceptable pollution levels for lead, carbon monoxide, nitrogen oxides, sulfur oxide, particulates and ground-level ozone.

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**Interior watchdog: Personnel moves were not properly documented** [Back](#)

By Ben Lefebvre | 04/11/2018 02:46 PM EDT

The Interior Department's internal watchdog on Wednesday said it could not determine why more than two dozen senior executives were reassigned last year, but a substantial share of the employees forced into new jobs blamed the moves on politics or clashes with agency leadership.

The Inspector General's [report](#) shows Interior officials kept no documentation of why the senior executive service employees were [reassigned](#), preventing investigators from reaching a conclusion on whether the personnel moves complied with federal law. Investigators interviewed members of an Executive Resources Board Interior Secretary Ryan Zinke established last year and 31 employees who received reassignment notices but came away with little more than broad

justifications for the reassignments.

"When we asked the ERB members who in the Department leadership ordered the reassignment of senior executives, no one could provide an answer," the IG report stated.

Furthermore, investigators "found no documented evidence — nor were we provided a methodology or record of discussion — that the ERB reviewed the senior executives' qualifications before proposing reassignments."

One of the major purposes of the broader reorganization was to move more staff members out of D.C. and into field offices, Zinke has said.

But of the senior executive staff members originally marked for reassignment, four received proposed reassignments to put them out of the Washington, D.C., area while the same number were supposed to move from a field office to Washington, D.C., "effectively negating the ERB's stated reason to move senior executives to field offices," the report states.

The lack of record-keeping went against recommendations the OMB issued in September 2009, the inspector's report said.

Interior Deputy Secretary David Bernhardt blamed the Obama administration and Senate Democrats for the department's failure to comply with those guidelines.

"While I cannot begin to guess why the recommendation to adopt the guidelines was either rejected or simply ignored between September 9, 2009 and January 20, 2017, I do believe delays in confirming key presidentially nominated, Senate confirmed officers ... means that there are fewer principal officers to carefully evaluate existing practices and drive improvements within the Department," Bernhardt wrote in a reply to the IG's office included with the report.

Joel Clement, a climate scientist who was reassigned to work as an accountant for oil and gas royalties and has since become a top Zinke critic, blasted the report and called for the secretary to step down.

"This report sends up a red flag that indicates a deeper investigation is necessary. I hope that Congress will seek more information from the ERB members at Interior, and consider how and when Interior should do right by the executives who were impacted by discrimination or retaliation," Clement said in a statement. "In the meantime, Secretary Zinke, the only Senate-confirmed employee at Interior when these reassignments took place, should resign."

Interior sent reassignment notices to 35 employees and ultimately moved 27 of them into new jobs between June and October of last year. The IG's office interviewed 31 of those who had received the notices.

Twelve of the senior executives reassigned last year believed their moves may have been related to their prior work assignments, including climate change, energy or conservation, according to the report. Ten blamed political or punitive reasons, and eight cited conflict with department



leadership. Some employees listed more than one reason, and eight others said they had positive feelings about being moved to a new job.

In most of the cases, Interior leadership did not notify an employee's supervisor, the acting bureau director or the assistant secretary the person would be reassigned "until hours before the ERB sent the reassignment notifications," the report states. At least one employee who was told he was being considered for a move was then not notified that the move would be canceled, according to the report.

"He negotiated a lease breakage option on his new lease because of uncertainty after he received notification for a geographic reassignment that the ERB ultimately canceled" the inspector general wrote in its report.

The Inspector General is expected to release the results of its separate investigation into Zinke's use of official travel to attend campaign and fundraising events within the next week.

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**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** POLITICO Pro Energy  
**Sent:** Fri 6/8/2018 9:44:29 AM  
**Subject:** Morning Energy: Dam fight tests states' infrastructure projects — Pruitt to speak today — Don't block the MOX

By Kelsey Tamborrino | 06/08/2018 05:42 AM EDT

*With help from Anthony Adragna, Ben Lefebvre, Darius Dixon and Annie Snider*

**THE DAM THING:** A brawl is brewing between Maryland's Republican governor, Larry Hogan, and Exelon Corp. over one of the country's largest privately owned dams, Pro's Annie Snider reports — and it could determine how assertive states can be when regulating major infrastructure projects.

**Hogan's administration is trying to force** the utility to pay up to \$7 billion to reduce pollution flowing through its Conowingo dam, which is located just upstream of the Chesapeake Bay, as a condition of renewing its operating license for another 50 years. Exelon says it may shut down the dam rather than pay to fix a problem it did not cause. But first, it's heading to court.

**The Supreme Court has given states broad leeway** to set environmental requirements for infrastructure through authority granted by the Clean Water Act. And Maryland says it is stepping in because the Conowingo facility would raise pollution levels in violation of state water quality standards. But Exelon retorts the state's approach exceeds the boundaries of the federal water law, setting up a key test that will be closely watched around the country.

**The ensuing fight is a perfect example** of what critics say is some states using the water law to block projects they oppose for other reasons. "If there's a state who just doesn't like something, an application that's been made, they can stall it for the year and then they hold the applicant over a barrel by saying, 'We'll either deny it or you withdraw it,'" Sen. Jim Inhofe said during an infrastructure hearing last month. Read more [here](#).

**WE MADE IT TO FRIDAY!** I'm your host Kelsey Tamborrino. No one was able to guess that the 95th Congress had the largest number of veterans. Between 1977 and 1978, and just after the draft ended in 1973, the 95th Congress had 412 veterans. For today: Before President Donald Trump, who was the last president to propose a rescissions package? Send your tips, energy gossip and comments to [ktamborrino@politico.com](mailto:ktamborrino@politico.com), or follow us on Twitter [@kelseytam](#), [@Morning\\_Energy](#), and [@POLITICOPro](#).

**Register for the Pro Summit:** Join Pro subscribers, expert reporters and key decision-makers from the executive branch, federal agencies and Congress for a full day of incisive policy conversations on July 17. Speakers include: Rep. Joe Crowley (D-N.Y.), Chairman, House Democratic Caucus, Kevin McAleenan, Commissioner, U.S. Customs and Border Patrol, and others. [Register today](#).

Join the [Global Public Affairs Club](#), a new global community dedicated to **C-level public affairs professionals** launched by POLITICO's sister company, DII. Members receive the

**GPAC weekly newsletter**, including original reporting and analysis on **new transparency standards, recent lobbying regulation, risk management and industry best practices**. In addition, members have access to the **Global Public Affairs Forum on Sept. 28 in Paris**. For additional information on GPAC, email Chloé Mimault-Talagrand at [cmimault@dii.eu](mailto:cmimault@dii.eu).

**PRUITT SPEAKS:** EPA Administrator Scott Pruitt is scheduled to deliver remarks this morning at the Faith and Freedom Coalition "Road to Majority" conference, an annual event where proverbial conservative activists take the stage to discuss issues of faith and the "pro-family majority" in Washington. The conference kicked off Thursday, and Vice President Mike Pence will speak Saturday.

**ON TAP TODAY:** The House late Thursday made it through the energy and water spending amendments to the chamber's "minibus" appropriations package. A final vote on the overall bill, which also includes legislative branch and military construction-VA spending, is expected today. Here's a look at how some of the amendments did:

— **The Trump administration's** proposal to sell off electric transmission assets owned by the Tennessee Valley Authority and DOE's power marketing administration got the bipartisan boot Thursday. Nineteen lawmakers ranging from Oregon Rep. Earl Blumenauer to Texas Rep. Louie Gohmert secured an unopposed amendment to block any sale.

— **Yucca Mountain opponents still overwhelmed.** Nevada's three Democratic representatives were defeated on two amendments seeking to block the long-stalled nuclear waste project and didn't bother seeking to put them up for a vote.

— **Lawmakers shot down** an effort to punish Western Area Power Administration chief Mark Gabriel by slashing his salary to \$1.

— **GOP lawmakers squelched efforts** by Democrats to strip hot-button policy riders, including one blocking the Army Corps of Engineers from requiring a permit for wetlands damage in certain agricultural areas.

**THE CHICKEN OR THE IG:** Three Democratic senators asked EPA's inspector general Thursday to review whether Pruitt used his office to seek out business opportunities benefiting his wife, citing recent reports that the embattled administrator had an aide contact Chick-fil-A executives to explore whether his wife could open a franchise. Sens. Tom Udall, Tom Carper and Sheldon Whitehouse also pointed to his wife's work for the New York nonprofit Concordia, which paid her \$2,000 to help set up a conference last year at which Pruitt spoke. Pro's Alex Guillén has more here.

**Following news this week that coal magnate Bob Murray** delivered drafts of six executive orders to the president at the beginning of his administration, Whitehouse and Carper separately asked the EPA IG to investigate whether EPA withheld documents, or misrepresented to Congress, the influence of Murray and others. Read that letter here.

**POPE MEETS BIG OIL:** Pope Francis and Vatican officials plan to meet today and Saturday

with leading oil executives, in what is expected to be an attempt to persuade them to take action on global warming. Vatican spokesman Greg Burke previously told the AP today's meeting is a follow-up to the pope's encyclical three years ago calling for action to address climate change. Cardinal Peter Turkson, who spearheaded the encyclical, set up today's conference with the executives. The pope himself will speak to the leaders on the second day of the summit, Burke said. Officials haven't confirmed today's line-up, but BP previously confirmed to AP that its CEO Robert Dudley plans to attend, as well as Exxon Mobil CEO Darren Woods.

**MURKOWSKI'S THOUGHTS ON PRUITT:** GOP Sen. Lisa Murkowski said she hadn't seen the most recent allegations concerning used mattresses and Chick-fil-A, but called the unending stream of revelations distracting. "What I'd really like to know is how we coming on our small and remote incinerators rule? What are we doing with the fish waste grinding regs?" she told ME, referring to regulations of particular importance to her state of Alaska. "When you're distracted, how do you make sure that the expectations that we all have about what's coming out the agency are met?" At a budget hearing last month, Murkowski warned Pruitt's deregulatory efforts were being "overshadowed" due to "legitimate questions that need to be answered" related to his management of the agency.

**G-7 BEGINS WITH FRUSTRATION:** The G-7 summit kicks off today in Quebec — and already Trump's positions on climate have become a sticking point. French President Emmanuel Macron told Bloomberg this week he wants to make progress in discussions on tariffs, the Paris climate agreement and the Iran nuclear deal before signing the usual joint statement, which details a range of policy issues.

**Trump — who will depart early** and skip some sessions focused on climate change — is so far out of step with his fellow leaders that one official involved in the drafting of the leaders' declaration said there was concern that the U.S. would object to any use of the phrase "climate change," our European colleague David Herszenhorn reports.

**DON'T BLOCK THE MOX:** A district judge in South Carolina granted the state a preliminary injunction Thursday preventing the Energy Department from winding down the long-troubled MOX nuclear project in the Palmetto State. "Without a preliminary injunction, the State will suffer irreparable harm," District Judge J. Michelle Childs wrote in the 36-page order, noting how DOE intended to issue a full stop work order to start winding down MOX and terminating employees at the Savannah River Site early next week. Terminating the project is one of the few big decisions where the Trump and Obama administrations are in agreement. The judge vacated a partial stop work order DOE issued in May, blocked any full stop order and were ordered to "maintain the status quo by continuing the MOX Project" until the state's lawsuit to protect the effort runs its course.

**MAKING WALKER TIP TOE:** The Energy Department's top electricity policy official was put on the spot Thursday when he was asked to square the Trump administration's push to use federal emergency powers to help struggling coal and nuclear plants with his own comments that suggested his skepticism. In February, Bruce Walker, who has spent his whole career in the electricity sector and quickly won the respect of staff in his office, told reporters that his office "would never use a 202 to stave [off] an economic issue. ... It's not designed for that."

**Since then, however,** FirstEnergy has filed an emergency request for power plants and DOE drafted a document suggesting that Energy Secretary Rick Perry invoke the so-called 202(c) authorities to keep them running. And when Rep. Don Beyer asked Walker at a House Science Committee hearing if his earlier comments implied that he wouldn't authorize a 202, Walker would only say that FirstEnergy's application was under review and otherwise gave the Virginia Democratic terse responses.

**WAR OF WORDS:** The Interstate Natural Gas Association of America said it was "deeply troubled" by the administration's proposed coal-and-nuclear bailout on Thursday, accusing the administration of attempting to punish gas. "There is absolutely no justification for the extreme intervention in energy markets suggested in the draft National Security Council memo," INGAA President and CEO Don Santa said. "Such a move would be bad public policy, costly to American consumers and the economy, and legally questionable."

**In a response,** DOE spokeswoman Shaylyn Hynes said that the "assertion that this Administration is attempting to 'punish' natural gas is absurd." She added that DOE "views natural gas as a vital part of our energy mix" and that it also "recognizes that there are serious threats and vulnerabilities to critical infrastructure nationwide, including pipelines." Hynes said all of which is why the department is "undergoing a review of all of the nation's defense critical energy infrastructure under the FAST Act of 2015," adding that resilience of the electric grid "is influenced by everything from cyber threats to the availability of solar power and the retirement of fuel secure units."

**WHERE'S PERRY?** The Energy secretary is scheduled to tour the Oak Ridge National Laboratory in Tennessee today, where he'll meet with employees and deliver remarks.

**PHMSA INVESTIGATING PIPELINE EXPLOSION:** PHMSA has started its investigation into yesterday's explosion at TransCanada's Leach Xpress pipeline in West Virginia and "will determine the cause of the incident and compliance with Federal pipeline safety regulations," an agency spokesman told ME. The accident occurred on a relatively new piece of state-of-the-art pipeline TransCanada had added to its Columbia Gas Transmission system. FERC signed off on construction of the \$1.5 billion, 160-mile project in February 2017, agency documents show, and TransCanada only started shipments along it just shy of a year later, calling it at the time a "best-in-class pipeline." TransCanada, the company behind the planned Keystone XL pipeline, told ME it is cooperating with the investigation.

**NPS SUPERINTENDENT SAYS HE WAS FORCED OUT:** After more than four decades with the National Park Service, Yellowstone National Park's superintendent told the Associated Press he's being forced out as a "punitive action" following disagreements he had with Secretary Ryan Zinke over how many bison the park can sustain. "I feel this is a punitive action but I don't know for sure," Dan Wenk said. Wenk last week announced he would retire March 30, 2019, after being offered a transfer he didn't want to take. He was then informed this week by NPS Acting Director Dan Smith that a new superintendent will be in place in August and that he would be gone by then, Wenk said. Read more.

**HEARTLAND LENDS PRUITT A HELPING HAND:** In response to a federal judge who ordered EPA to search for records to a FOIA request related to Pruitt's March 2017 interview, where he said carbon dioxide is not a "primary contributor" to global warming, the Heartland Institute — a group that lobbies against climate action — said it sent copies of "Climate Change Reconsidered" reports to Pruitt. In a letter from the group's president, Tim Huelskamp, he urges Pruitt to use the more than 3,000 pages to provide support to the conclusion that human activity is not the largest factor driving global climate change. Read the letter here.

**NEW LAWYER IN BLANKENSHIP CASE:** The administration has once again changed lawyers in former Massey Energy CEO Don Blankenship's effort to have his criminal mine safety conviction thrown out, the Charleston Gazette-Mail reports via court records. Assistant U.S. Attorney for the Southern District of Ohio Douglas Squires filed a formal notice that he would be handling the case, which is still pending before U.S. District Judge Irene C. Berger, the outlet reports. That's the second time in as many weeks that the Trump administration has changed lawyers. Read more.

**MAIL CALL! BAILOUT 'FALSE':** More than 30 Democratic lawmakers are calling it a "false narrative" that the president needs to bail out economically struggling coal and nuclear power plants in the interest of electrical grid resilience. The lawmakers call on Perry to stop such rhetoric and "to cease attempting to use emergency authorities to intervene in planned power plant retirements." Read the letter here.

— **The League of Conservation Voters** sent this letter to lawmakers, urging them to vote against the "minibus" bill on the floor today.

— **More than 20 state manufacturing groups**, led by National Association of Manufacturers, sent a letter Thursday to the the U.S. Conference of Mayors, calling on them to stop undermining job creators. "Mayors are signing their names to lawsuits that will do more to undermine the resurgence of the manufacturing sector than to address the issues they intend to solve through the courts," they write.

— **Twelve environmental organizations** signed a letter in opposition to H.R. 3 (115) — the president's rescissions package. Read that here.

**TESTER ON THE ATTACK:** Montana Sen. Jon Tester began airing attack ads against newly minted GOP nominee Matt Rosendale in the race for his seat, according to Advertising Analytics. The ad labels the Republican "Maryland Matt" and hits him for being a real estate developer, who "pushed to transfer our public lands knowing our state would have to sell them off so developers like himself can buy them and cash in while restricting our access to our public lands." See it.

## QUICK HITS

— Billions in U.S. solar projects shelved after Trump panel tariff, Reuters.

— Pruitt enlisted security detail in picking up dry cleaning, moisturizing lotion, The Washington

Post.

- The chemical industry scores a big win at the EPA, The New York Times.
- Truck emissions study aimed at EPA limits all along, records show, Bloomberg BNA.
- Pruitt made public servants fetch his protein bars and Greek yogurt, The Daily Beast.
- Record oil exports help cut U.S. trade gap, The Wall Street Journal.

## **HAPPENING TODAY**

9:00 a.m. — U.S. Energy Association hosts Kenyan energy minister, 1300 Pennsylvania Ave NW

12:00 p.m. — Atlantic Council conversation with Vincent DeVito, counselor to the secretary for energy policy at Interior, 1030 15th Street

12:00 p.m. — The Lexington Institute forum on "Cybersecurity of the Electric Grid," CVC-201

12:00 p.m. — The Environmental and Energy Study Institute briefing on "The State of Germany's Energy Transition," G-50 Dirksen

12:00 p.m. — NCAC luncheon on "So, you want to be a renewable energy entrepreneur?" 618 H St NW

## **THAT'S ALL FOR ME!**

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<https://subscriber.politicopro.com/newsletters/morning-energy/2018/06/dam-fight-tests-states-infrastructure-projects-246240>

## **Stories from POLITICO Pro**

### **Dam fight tests states' ability to set requirements for infrastructure projects Back**

By Annie Snider | 06/08/2018 05:01 AM EDT

A brawl between a Republican governor and a major utility company over one of the country's largest privately owned dams could determine how aggressively states can regulate major infrastructure projects.

Maryland Gov. Larry Hogan's administration is trying to force Exelon Corp. to pay up to \$7 billion to reduce pollution flowing through its Conowingo dam, located just upstream of the Chesapeake Bay, as a condition of allowing the company to renew its operating license for another 50 years. The company says it may shut down the dam rather than pay to fix a problem it

did not cause. First, though, it is taking Maryland to court to try to reverse its proposal.

The fight over the Conowingo dam isn't just a fight about one dam, as utilities seek to extend the operation of massive hydroelectric dams that will for the first time face requirements of modern environmental laws. And Exelon's lawsuit is one flank of a larger political fight over states' rights that could have major implications for pipelines, nuclear power plants and other major pieces of infrastructure that the Trump administration wants to promote.

The Supreme Court has given states broad leeway to set environmental requirements for major infrastructure projects through authority granted by the Clean Water Act.

"As long as the state is imposing conditions that are reasonably related to those water quality standards, they have the authority to do that," said Pat Parenteau, a professor at Vermont Law School.

Maryland says it is stepping in because the Conowingo facility would raise pollution levels above the state water quality standards it is empowered to protect. But Exelon says the state's approach exceeds the boundaries of the federal water law, setting up a key test that will be closely watched around the country.

Critics say some states use the water law to block projects they oppose for other reasons. For example, New York, which has resisted the fracking boom, is using the same authority to block pipelines that would carry natural gas from shale fields in Pennsylvania. It's a nascent issue that Congress may address in the coming years.

"If there's a state who just doesn't like something, an application that's been made, they can stall it for the year and then they hold the applicant over a barrel by saying, 'We'll either deny it or you withdraw it,'" said Sen. [Jim Inhofe](#) (R-Okla.), a senior member of the Senate Environment and Public Works Committee, during an infrastructure hearing last month.

Exelon has asked the Federal Energy Regulatory Commission to put its consideration of the Conowingo relicensing on hold while the litigation and administrative process play out in Maryland. The state's demands could have "widespread economic consequences for the hydroelectric industry" if they set a precedent that is applied elsewhere, Exelon warned in a May 25 [letter](#) to FERC. Environmentalists say the company's fears are overblown.

The Conowingo dam has been in operation along the Susquehanna River since 1928, providing enough power to serve nearly 200,000 homes. Exelon has pointed out that it provides 55 percent of Maryland's renewable power, contributing to the state's climate change goals.

The Chesapeake Bay is just 10 miles downstream, and for decades the dam has played a key role in catching nutrient pollution that has washed off farm fields in New York, Pennsylvania and Maryland that would otherwise flow into the already overburdened estuary.

State and federal officials had counted on the dam to continue keeping that fertilizer runoff and other pollution out of the bay when they signed on to a landmark cleanup plan in 2010. But the



reservoir behind Conowingo has already reached its capacity, years ahead of schedule. That means not only that the dam has lost its ability to trap pollution, but that during major storms, more of it can be released, washing downstream and overwhelming the bay all at once. Climate change is expected to make these problems worse, and the bay cleanup effort is already woefully behind schedule, according to an [analysis](#) released by the Chesapeake Bay Foundation last week.

The federal-state bay cleanup partnership estimates that roughly 6 million additional pounds of nitrogen and 260,000 additional pounds of phosphorus will reach the bay each year because of the dam's lost trapping capacity — that's about 5 percent of all the pollution flowing into the waterway.

The Hogan administration has long argued that the company must bear some of the burden for cleaning up the pollution washing through its facility in order for Maryland to grant the water quality certification it needs for relicensing.

This spring, with Maryland and Exelon still miles apart after months of closed-door negotiations, Maryland ordered Exelon to offset the additional pollution that is estimated to be coming from the dam if it is to progress with relicensing.

The 59-page water quality certification issued by the state gives the company three options for doing that: by dredging the reservoir so it could regain its trapping capacity; by planting trees, restoring wetlands and implementing other best management practices upstream; or by paying the state as much as \$172 million annually to do that conservation work itself, a tab that would add up to more than \$7 billion over the 50-year license.

Ben Grumbles, secretary of Maryland's Department of Natural Resources, said the certification is "detailed, science-based and also flexible," and that its adaptive management approach "will help launch a restoration economy in the Susquehanna watershed."

But Exelon says the certification is unfair because the pollution originates with farmers and cities upstream, and argues the state's demands would make Conowingo too expensive to operate.

"The Dam does not produce any pollution. Rather, the science clearly shows that the pollutants that travel down the Susquehanna River, from New York and Pennsylvania, are the source of the nutrients and sediment that flows into the Bay," the company said in a statement.

At the end of May, Exelon [sued](#) Hogan's administration in state and federal court, contending that the certification and its requirements are violations of the law.

Green groups are dubious that Exelon would truly consider abandoning the dam. They expect the cost of offsetting the pollution would come in well below Maryland's \$172 million-a-year cap and that the company can afford it. A December 2017 [economic analysis](#) commissioned by environmental groups concluded that the Conowingo dam is bringing in \$115 million to \$121 million annually in revenues.

Moreover, if Exelon decided not to pursue relicensing, the company would face a complex

decommissioning process, which would bring its own financial liabilities. Removing the dam altogether is likely not an option, since it is part of an interconnected engineering system on the river that helps keep water levels in check for a number of purposes, including an upstream nuclear power plant and another hydropower dam owned by Exelon.

The outcome of the fight is likely to affect other states, which are contemplating major new environmental requirements for decades-old dams, ranging from pollution reduction to fish passage to flow and temperature requirements. In some cases, the cost of such upgrades is so much that the operator opts to close the facility, leading to a wave of dam removals across the country.

But the courts have largely sided with states in these fights so far.

A 1994 Supreme Court decision upheld restrictions Washington state placed on a hydroelectric dam to protect salmon and steelhead, and in 2016 the high court upheld New York's denial of a water quality certification for the proposed Constitution Pipeline, which would carry natural gas from Pennsylvania.

In a recent closely watched case, FERC and New York took different interpretations of how long the state had to act on a certification for the Millennium Pipeline Co., and FERC gave the project the green light before state regulators had finished their review. The U.S. Court of Appeals for the 2nd Circuit upheld FERC's actions in March, but the case hinged on procedural issues rather than an interpretation of the state's underlying authority to use water quality certifications to stymie development.

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## **Democrats ask EPA IG to review Pruitt's Chick-fil-A, Concordia connections [Back](#)**

By Alex Guillén | 06/07/2018 03:52 PM EDT

Three Senate Democrats today [asked](#) EPA's inspector general to review whether Administrator Scott Pruitt used his office to seek out business opportunities benefiting his wife.

The lawmakers cite recent reports that Pruitt had an aide contact Chick-fil-A executives to explore the possibility of his wife, Marlyn, opening a franchise of the chicken eatery. They also cited her work for the New York nonprofit Concordia. It paid Pruitt's wife \$2,000 to help set up a conference last year at which Pruitt spoke.

The IG should review whether Pruitt "used his position — acting in his own capacity or through his official staff — to pursue private business opportunities to enrich himself or any members of his family regarding these two cases and any other financial opportunities for Administrator Pruitt's family," wrote Sens. [Tom Udall](#) (N.M.), [Tom Carper](#) (Del.) and [Sheldon Whitehouse](#)

(R.I.).

They also raised the question of whether Pruitt had any "other, as yet unknown, business pursuits as well."

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## **Murray delivered executive orders on coal rules to Trump administration** [Back](#)

By Darius Dixon | 06/06/2018 07:05 PM EDT

Coal magnate Bob Murray delivered six draft executive orders ready for President Donald Trump to sign to roll back Obama-era environmental regulations in the early weeks of the administration, according to newly released Energy Department documents.

The [documents](#) released Wednesday after a Freedom of Information Act request include a letter to Energy Secretary Rick Perry from Murray praising Trump's March 2017 energy independence executive order, which largely aimed to help the coal industry. And to bolster that effort, Murray wrote, "we have developed the enclosed materials for your review and consideration, consisting of: six (6) Executive Orders further rescinding anti-coal regulations of the Obama administration; and one (1) memorandum outlining the legal rationale for each of these action, and others."

Those executive orders were also sent to EPA Administrator Scott Pruitt, whose agency had jurisdiction over most of the issues they involved, such as ozone rules and regulations on coal ash.

Trump has not signed executive orders resembling Murray's, but the administration has moved to enact the policies, such as pulling U.S. out of the Paris climate agreement. The documents, which were sent to DOE the day Trump signed his energy independence order and one day before Murray [met](#) with Perry and DOE chief of staff Brian McCormack, also included concepts about grid security and "resiliency" that Perry later touted as part of his push to stop coal power plants from closing.

"The Department of Energy ("DOE") must issue an emergency directive to have an immediate study done of the security and resiliency of our electric power grids," the document states. "DOE will direct that no power plants having an available fuel supply of at least forty-five (45) days be closed during the study period, or a minimum of two (2) years."

Perry later ordered his staff to write a study about the electric grid that was eventually tied to a regulatory proposal that FERC create financial rewards for power plants with a 90-day supply of fuel on-site. That condition would have overwhelmingly benefited coal and nuclear generators, but it was shot down by FERC in January.

Critics have said Murray would be the biggest beneficiary of Trump's efforts, since his company supplies coal to many of the power plants at risk of closing because of stiff competition from cheap natural gas and renewable power as well as lagging electricity demand from consumers.

Murray spokesman Gary Broadbent confirmed the company had submitted the documents to Perry "to assist in the reversal of the illegal, job-killing, anti-coal regulations of the Obama Administration."

"Mr. Murray has always sought to secure reliable, low-cost electricity for all Americans, as well as to preserve and protect the jobs and family livelihoods of thousands of coal mining families," he said in a statement. "We applaud the actions taken by President Trump's Administration, to date, to protect these jobs and to advance the energy security of the United States."

Murray has repeatedly called on DOE to issue must-run orders for FirstEnergy power plants that consume his coal, and he blasted the FERC commissioners who opposed the on-site fuel proposal.

On Tuesday, a top DOE official said the agency is still formulating a plan to keep struggling coal and nuclear power plants from closing, and it had no deadline to meet Trump's demand to rescue them.

"We are evaluating options," Energy Undersecretary Mark Menezes told reporters. Last week, Trump called on DOE to take "[immediate steps](#)" to stop a wave of coal and nuclear power plant retirements, and like Perry, he cast the shutdowns as a threat to national security.

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**Senator to Pruitt: EPA meddling in health study 'unconscionable'** [Back](#)

By Annie Snider, Alex Guillén and Anthony Adragna | 05/16/2018 10:10 AM EDT

Senate Democrats tore into Scott Pruitt on Wednesday, blasting the Environmental Protection Agency's meddling in a report on toxic chemicals as "unconscionable" and calling the EPA administrator's mounting ethics controversies an embarrassment to the agency.

"You're trailing a string of ethical lapses and controversies, they're an embarrassment to the agency, an embarrassment to Republicans and Democrats alike," Sen. Pat Leahy (D-Vt.) told Pruitt at a Senate hearing. "Forget about your own ego and your first class travel and your special phone booths and all these things that just make you a laughingstock and your agency a laughingstock."

Pruitt has faced a wave of scandals over the past few months, with scrutiny focused on his

expensive flights, round-the-clock security detail, privacy phone booth, and below-market condo rental from an energy lobbyist. With news this week that EPA's Inspector General would look into Pruitt's use of multiple email accounts, he is now facing more than a dozen probes and investigations from Congress, the White House and his agency's internal watchdog.

And earlier this week, POLITICO reported that EPA helped to bury a federal study that would have increased warnings about toxic chemicals found in hundreds of water supplies across the country. That report showed Pruitt's senior aides intervened in the release of the Health and Human Services Department assessment into PFOA and PFOS after the White House warned of a "public relations nightmare."

Leahy said efforts by the White House and political officials at EPA to block the chemicals assessment "unconscionable," and he pointed to a community in his state that is grappling with chemical contamination.

"It's incomprehensible to the people in Bennington and in Vermont why an agency that works for them — their tax dollars are paying for it — whose charge it is to protect their health, turns their back on them and tries to hide health dangers," Leahy said in his opening statement.

West Virginia Republican Sen. Shelley Moore Capito also pressed Pruitt on his agency's intervention on the study, prompting him to deny that he had a hand in it.

"I was not aware that there had been some holding back of the report. I think it is important to have all information in the marketplace," Pruitt said.

Capito encouraged Pruitt to get that study released before an EPA summit on the chemicals next week. "I appreciate the fact that you are trying to reach the scientific limit that would impact any kind of health impacts in our areas, regardless of who has to remediate and what the remediation costs are going to be," she said, alluding to the fact that cleanup requirements would create major costs for the Defense Department and chemicals manufacturers.

Leahy also mocked Pruitt's security concerns as a justification for flying first class for more than a year. "Nobody even knows who you are," he said, adding later, "it's ego run amok."

Much like appearance last month in front of two House panels, Pruitt shifted the blame for many of the recent scandals, blaming "processes" at the agency not being followed for some of his ongoing spending and ethical issues, and he told Senate Appropriators he had taken steps to avoid similar issues going forward.

"There have been decisions over the last 16 or so months, that as I look back, I would not make those same decisions again," Pruitt said. But he stopped short of apologizing, and blamed critics of his deregulation agenda for the negative publicity.

"I want to rectify those going forward," Pruitt continued. "I also want to highlight for you that some of the criticism is unfounded and I think exaggerated. And I think it feeds this division that we've seen around very important issues affecting the environment."

Pruitt also confirmed media reports that he had established a legal defense fund amid the spate of federal investigations. Donations to the fund would be made public pursuant to disclosure requirements and Pruitt said he would not solicit money from lobbyists or corporations with business before the agency. He later noted he would not personally seek contributions himself "since that's done by attorneys and others."

The EPA chief said his attorney "who's done this for a number of years" has worked with Government Accountability Office "to make sure it's done properly."

Despite criticism from lawmakers from both parties and frustration from White House aides, Pruitt has continued to receive the support of President Donald Trump, who's praised the former Oklahoma attorney general for rolling back many of the Obama administration's environmental policies.

Sen. Tom Udall (D-N.M.) pressed Pruitt on his requests that his security detail use his vehicle's lights and sirens to beat Washington traffic and get to a restaurant.

"I don't recall that happening," Pruitt answered. But Udall shot back by referencing an email from Pruitt's former security chief, Pasquale "Nino" Perrotta, that said "Administrator Pruitt encourages the use" of those lights and sirens. POLITICO has reported that Perrotta goaded and encouraged such behavior on security matters.

Udall later accused Pruitt of violating federal law by having an aide search for apartment rentals for him on personal time without being paid. The aide, Millan Hupp, an EPA scheduler and advance staffer who has worked for Pruitt since he was Oklahoma attorney general, is "a long-time friend of my wife and myself," Pruitt said, and she took those actions entirely "on personal time."

"It doesn't cut it that they're a friend or that kind of thing," Udall replied, since federal law requires that any subordinate — even if they volunteer — be paid fair market value for their work or it's considered a gift.

"That's in violation of federal law," Udall said.

Even Sen. Lisa Murkowski, chairwoman of the Appropriations panel hosting Pruitt, said at the start of the hearing she saw "legitimate questions that need to be answered" about the ethics scandals plaguing Administrator Scott Pruitt.

"Unfortunately, I am concerned that many of the important policy efforts that you are engaged in are being overshadowed because of a series of issues related to you and your management of the agency," Murkowski said at the opening the budget hearing.

Udall also peppered Pruitt about his contacts with conservative political commentator Hugh Hewitt over a polluted California site. POLITICO first reported that EPA added the Orange County North Basin site to Pruitt's list of sites targeted for "immediate and intense" action just

weeks after Hewitt arranged a meeting with Pruitt and his law firm.

But Pruitt said the agency had been discussing potential action on the Superfund site "well before" Hewitt arranged a meeting on the issue. "I'm not entirely sure why there would be criticism around us taking concerted action to address Superfund sites and get accountability — whomever brings that to our attention," he said.

That didn't placate Udall.

"The idea is that here's been scientific analysis and through analysis on the list, and then special friends get to get on the list that's been created by the agency," Udall said. "Looks a little bit fishy to me."

Udall, who called on Pruitt to resign because of the recent controversies, said Pruitt was unfit to lead the agency because he didn't believe in its mission to protect human health and the environment.

"It needs to be said that your tenure at the EPA is a betrayal of the American people," he said, criticizing not just the ethics scandals, but also his regulatory rollbacks.

"This isn't cooperative federalism, it's flat-out abandonment," he said.

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## **Trump tariffs stir up angst ahead of G-7 summit [Back](#)**

By Andrew Restuccia, Megan Cassella and Lorraine Woellert | 06/05/2018 07:17 PM EDT

Foreign diplomats and U.S. officials are looking ahead to this week's G-7 summit with a sense of dread amid growing international tensions with President Donald Trump and little hope of reaching consensus.

With just three days until Trump arrives in Canada for the annual meeting with America's closest foreign allies, member countries are fuming over the president's decision to impose steep tariffs on steel and aluminum imports, a move that could have dire economic consequences for every other member of the Group of Seven major industrial nations.

Canada, Japan and key European Union nations have long sought to win over the U.S. president by playing nice on the world stage. But after nearly a year and a half, the G-7 countries' frustrations are bursting into public view.

Prime Minister Justin Trudeau of Canada, who is hosting the summit, excoriated Trump's recent tariff decision, responding with dollar-for-dollar tariffs of his own and calling the president's

decision "insulting" and "totally unacceptable."

Japan has grown increasingly concerned that it is being pushed to the side as Trump prepares to meet with North Korea's dictator, Kim Jong Un. And France, whose president, Emmanuel Macron, had worked hard to build rapport with Trump, is reeling from a "terrible" phone call with the American president that went south after Macron bluntly criticized U.S. tariffs.

Trump is expected to get an earful from his foreign counterparts during the meeting, which starts on Friday. U.S. officials acknowledged privately that the gathering could be rife with awkward moments, with one official predicting that it will be a "mess."

"I think they will be ganging up on him," said Bill Reinsch, a trade expert at the Center for Strategic and International Studies. "But in addition to the immediate issue of the tariffs, there is an underlying debate that is going to go on ... and that is a growing concern that the entire rules-based international system and the institutions that underlie it are increasingly at risk."

G-7 negotiators remain deeply divided over the joint statement that countries usually release at the end of the annual event. The statement is meant to project unity among the world's biggest economies, detailing a range of policy issues on which they can all agree.

"The G-7 traditionally, for 20-plus years, has been a group of like-minded developed countries that sit together and figure out what do we do to address key global problems," said Robert Fisher, a consultant with Hills & Company and a former U.S. trade official who helped negotiate NAFTA. "Now trade has become, perhaps more than anything, the major dividing line between the G-6 and the one. And we are the one."

Another U.S. official told POLITICO that he thought there was no chance the U.S. and the other G-7 members could reach common ground on crucial issues like trade and climate change, adding that it was increasingly likely there wouldn't be a joint statement at all at the end of the meeting. Multiple U.S. officials have complained privately that early drafts of the statement were far too liberal, arguing that there was little the administration could latch on to.

Some foreign officials, meanwhile, have begun wondering whether it's better for Trump to skip the G-7 altogether rather than risk his making a spectacle at the event.

"If the president were not to go, that would be a major snub," Fisher said. "I would see that as a further escalation in tensions between the U.S. and, normally, our allies."

Trade is expected to be a central topic of discussion throughout the summit, and G-7 leaders will sit down for a session on "economic growth, the future of work and trade" as one of their first meetings, according to a background document released by the Council of the EU, which represents the executive governments of European Union member states.

A senior EU official sought to moderate expectations that any progress would be made with Trump over the tariffs, saying the potential for progress was "extremely low."



"We do not expect any breakthrough on the trade dispute with the U.S," the official told reporters. He added that "the tariffs imposed ... last week have significantly increased tensions" between the U.S. and its G-7 partners, which are "united" in their ambition to retaliate against the Trump tariffs.

A summit this past weekend among the G-7 finance ministers offered a preview of what could be in store for Trump, after leaders faced off over unprecedented divisions on policy and failed to reach consensus on a joint concluding statement.

In a rare show of disunity, a chair's summary written by Canada and released at the close of the event highlighted concerns over "tariffs imposed by the United States on its friends and allies" that "undermine open trade and confidence in the global economy." The summary said ministers of the six other countries — all of which are now paying tariffs on their steel and aluminum exports to the U.S. — requested that Treasury Secretary Steven Mnuchin, who represented the U.S. at the finance meeting, communicate to Trump their "unanimous concern and disappointment."

"I've been to these meetings for a long time," the Japanese finance minister, Taro Aso, told reporters, according to Reuters. "But this is a very rare case where opposition against the United States was unanimous."

Trump, for his part, is already looking past the G-7, focusing much of his attention on the summit next week with Kim, according to administration officials. The president is scheduled to depart for Singapore, the summit site, from Canada at the end of the G-7 gathering.

Trump administration officials have publicly sought to tamp down concerns that tariff blowback will dominate and derail the summit agenda, even as anxiety builds across the Atlantic that the two-day event will ultimately produce nothing at all.

Larry Kudlow, director of the National Economic Council, rejected the idea earlier Tuesday that the steel and aluminum tariffs had any damaging effects and praised Trump's trade policies generally, calling the president a "trade reformer." He also lauded the strength of the U.S. economy and said officials would "take that story to the G-7 meeting."

"I hope it's a G-7 meeting," he added in an interview on Fox News. "I hope it's not a G-1-plus-six meeting, and I hope we can make some sense out of the whole story."

*Michael Crowley and Hans von der Burchard contributed to this report.*

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**Trump to depart G-7 summit early** [Back](#)

By Brent D. Griffiths | 06/07/2018 08:36 PM EDT

President Donald Trump will leave the G-7 summit before its conclusion, the White House announced on Thursday night, following a day of back-and-forth with fellow world leaders that foreshadowed confrontations during the meeting of the world's largest advanced economies.

Trump will depart the summit in Quebec at 10:30 a.m. Saturday and head directly to Singapore, the site of his June 12 meeting with the North Korean leader, Kim Jong Un, White House press secretary Sarah Huckabee Sanders said in a statement. The G-7 summit is scheduled to wrap up later on Saturday.

Before the announcement, President Emmanuel Macron of France and Prime Minister Justin Trudeau of Canada both promised to confront Trump over his recent decision to impose tariffs on U.S. allies.

Trump, in response, laid into the two leaders on Thursday evening over those plans.

"Please tell Prime Minister Trudeau and President Macron that they are charging the U.S. massive tariffs and create non-monetary barriers," Trump wrote on Twitter. "The EU trade surplus with the U.S. is \$151 Billion, and Canada keeps our farmers and others out. Look forward to seeing them tomorrow."

By pulling out early, Trump will skip sessions focused on climate change, the oceans and clean energy. He will also miss the traditional group-photo opportunity among fellow heads of state. The president may also miss the opportunity to host a summit-ending news conference, something world leaders traditionally do. The leader of the host nation, in this case Trudeau, also takes questions and gives closing remarks. Trump chose not to hold a news conference last year, becoming the only G-7 leader not to do so before leaving Italy, according to [The Hill](#). He opted instead for a speech at a nearby naval air station.

The summit traditionally concludes with a joint statement spelling out the areas of agreement on the wide range of policy issues discussed. But before Trump's announcement, Macron urged the other five nations to hold strong and not let potential U.S. opposition water down their communiqué.

The [2017 statement](#), for example was notable for its explicit mention that the U.S. did not share its allies' support of the Paris Climate Accord. Less than a week later, [Trump announced in the White House Rose Garden](#) that the U.S. would be exiting the climate agreement.

"Maybe the American president doesn't care about being isolated today, but we don't mind being six, if needs be," [Macron said](#), part of his plea to confront Trump head-on.

Trump later upped the ante, accusing Trudeau of being "so indignant" on the topic. The U.S. and its allies have been at loggerheads in recent days as the EU, Canada and Mexico continue to bristle over the president's decision to levy 10 percent tariffs on aluminum imports and 25 percent tariffs on steel imports from the two countries and Europe. The move, which reportedly

came with little warning, has also caused Republicans on Capitol Hill to consider reining in Trump's trade powers.

Suggesting that the world powers could continue on without the U.S. is a stark departure from the chummy relationship Macron and Trump had during the French president's state visit to Washington in April.

For his part, Trudeau continued to call the tariffs "ridiculous." Last week, he repeatedly invoked the fact that Canadians fought alongside U.S. soldiers in Afghanistan in characterizing Trump's decision as a slap in the face.

The thought of allies ganging up on him has reportedly left Trump uneasy about attending the summit. But for now, Trudeau says that he expects his American counterpart to show up.

"We know that President Trump likes to be unpredictable," the Canadian leader said on Thursday, "but everything suggests that he will be there for the G7 summit, including his tweets this morning."

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**DOE official: Agency would 'never' use must-run order for economic reasons** [Back](#)

By Darius Dixon | 02/20/2018 02:52 PM EDT

The Energy Department's top electricity official says the agency would not exercise its emergency authority to keep a power plant operating just because it might be losing money.

"A 202(c) has some very specific rules and a process," Bruce Walker, DOE's assistant secretary for the Office of Electricity Delivery and Energy Reliability, told reporters, referring to the section of the Federal Power Act that gives Energy Secretary Rick Perry authority to keep plants running.

"The economic rules are what they are today. We would never use a 202 to stave [off] an economic issue," he said, adding, "it's not designed for that."

President Donald Trump backer and coal magnate Bob Murray has repeatedly called on DOE to issue must-run orders for FirstEnergy power plants that consume his coal. He reiterated that call after FERC's January rejection of Perry's proposal to prop up coal-fired and nuclear plants that were losing money in the power markets. Just last week, FirstEnergy announced that will close its 1,300-megawatt Pleasants coal-fired power plant — a large Murray customer — by Jan. 1.

"Since I would be the one writing it, I can tell you it's never come to my attention," said Walker, a former executive at Consolidated Edison, noting that he regularly has meetings with Perry and

other top DOE officials. "Nobody has talked about it. Nobody in my department is doing anything with it. It doesn't exist."

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## **Trump calls for coal, nuclear power plant bailout** [Back](#)

By Eric Wolff | 06/01/2018 05:17 PM EDT

President Donald Trump pressed for a quick regulatory bailout for struggling coal power plants on Friday — a move that would buoy a mining industry that offered him crucial support in 2016, but is riling other energy companies and even some free-market conservatives.

The White House called on Energy Secretary Rick Perry to take immediate steps to keep both coal and nuclear power plants running, backing Perry's claim that plant closures threaten national security. An administration strategy to do that laid out in a memo to the National Security Council circulated widely among industry groups on Friday, but it was not clear that intervention could survive the inevitable political and legal challenges.

It was the latest step in more than a year of efforts by the administration to compel power companies to keep operating the money-losing plants that are suffering from the rise of competing energy sources like natural gas. Those proposals have drawn opposition from most utilities, along with environmentalists, gas producers, power grid operators and conservatives who say it would be an unwarranted intrusion to the energy markets.

The White House statement calling for action came after days of Trump making similarly aggressive moves on international trade, slapping tariffs on the European Union, Canada and Mexico to protect U.S. industries like aluminum and steel. In this case, the president is acting on behalf of what he likes to call "beautiful, clean coal," a once-dominant fuel that still plays a major role in his stump speeches.

Trump "has directed Secretary of Energy Rick Perry to prepare immediate steps to stop the loss of these resources," White House press secretary Sarah Huckabee Sanders said in a statement Friday, referring to coal and nuclear plants.

She added that Trump believes "keeping America's energy grid and infrastructure strong and secure protects our national security... Unfortunately, impending retirements of fuel-secure power facilities are leading to a rapid depletion of a critical part of our nation's energy mix, and impacting the resilience of our power grid."

The statement came five months after federal energy regulators [rejected](#) Perry's call that they adopt his proposal to keep the struggling coal and nuclear power plants operating. That proposal would have [overwhelmingly benefited](#) mining magnate Bob Murray, an outspoken Trump

supporter whose operations supply coal to several endangered plants in the Midwest and Northeast, according to a POLITICO analysis.

Trump's National Security Council gathered Friday to discuss the draft memo that lays out arguments why the administration should use federal authority to keep the money-losing power plants open — despite the assurances from some of the nation's grid operators that no such emergency exists.

"Any federal intervention in the market to order customers to buy electricity from specific power plants would be damaging to the markets and therefore costly to consumers," said the PJM Interconnection, which operates the nation's largest power grid and stretches from the Midwest to the Atlantic Coast, in a statement. "There is no need for any such drastic action."

A broad swath of trade associations representing oil and gas, wind and solar power, consumer groups and advanced energy technologies slammed the plan, and they were joined by some congressional Democrats.

"This would be an egregious abuse of power," Sen. [Ron Wyden](#) (D-Ore.) said in a statement. "I fought this proposal before, and I will continue to fight this corrupt scheme to prop up the coal industry at the expense of American consumers."

That new 41-page [memo](#), first revealed by Bloomberg News on Thursday evening, says that under the 2015 highway and transit bill known as the FAST Act, DOE must identify critical energy infrastructure, a process the agency is undertaking now with the help of its national labs. But because that is likely to take two years, DOE in the meantime should use the 1950 Defense Production Act and the Federal Power Act to require the plants to keep operating, the memo says.

Power sector experts have said using the two laws to keep specific plants operating would stretch both those measures, and would certainly trigger a major legal fight. Critics of the administration's strategy said the memo appears to signal that the White House is preparing for a fight.

"One way to view the release of this draft is that it is a trial balloon to see how fierce and fast the opposition will be," said Dena Wiggins, CEO of the industry lobby group Natural Gas Supply Association, which opposes the DOE plan. "We've known for some time that all of these federal authorities ... were in play, so the fact that we've now seen it in writing doesn't really change anything. It does, however, underscore how hard it is to cobble together a sound legal rationale to bail out otherwise uneconomic coal and nuclear plants."

And critics say the push to bail out the plants is simply Trump's effort to reward backers like Murray, the coal baron, and live up to his campaign promise to revive coal country. Perry first began work on the power plant issue in March 2017, when he met with Murray at DOE, and Trump himself personally directed Perry to take action on the issue since last summer.

Murray's coal mines have been a major supplier for power plants owned by FirstEnergy

Solutions, a unit of Ohio-based utility giant FirstEnergy that sank into bankruptcy this spring. FirstEnergy Solutions has said it plans to close or sell five of its money-losing coal and nuclear power plants.

But the Federal Energy Regulatory Commission and the grid operator have said that even with the planned closures, the region has ample power to supply the market's needs. Stagnant power consumption growth, coupled with the rise of natural gas and renewable power sources like wind, has displaced many of the older coal and nuclear facilities in the markets.

The memo also calls for establishing a new requirement for the electric grid based on "resilience," a term Perry injected into the regulatory conversation last fall with a proposed rule that would have rewarded plants that could keep 90 days of fuel on site. FERC rejected that rule, but it also created a new proceeding to try to define "resilience," which some in the industry say pertains to the grid's ability to withstand and recover from a physical or cyberattack.

The memo largely focuses on the issue of resilience, which it says would suffer if coal and nuclear power plants retire. It specifically targets natural gas as a weakness, because the plants that burn the fuel rely on pipelines that could be disrupted, while coal and nuclear power plants can keep months' worth of fuel on site.

"Natural gas pipelines are increasingly vulnerable to cyber and physical attacks," the memo says. "The incapacitation of certain pipelines through the United States would have severe effects on electric generation necessary to supply critical infrastructure facilities."

*To view online [click here](#).*

[Back](#)

## **Judge blasts EPA for 'hyperbolic' refusal to back up Pruitt's climate stance [Back](#)**

By Alex Guillén | 06/01/2018 05:18 PM EDT

A federal judge today blasted EPA for refusing to search for any records related to Administrator Scott Pruitt's televised [statement](#) that carbon dioxide is not a "primary contributor" to global warming, a break from the scientific consensus and his own agency's position.

Chief Judge Beryl Howell of the U.S. District Court for D.C. gave the agency until next month to search for records in response to the Freedom of Information Act request filed by the group Public Employees for Environmental Responsibility after Pruitt's March 2017 interview.

EPA had argued that PEER's request was both too broad and too burdensome, arguing it would require considering everything Pruitt has ever read on climate change. But the judge was not convinced.

"This hyperbolic objection strays far afield from the actual text" of the FOIA requests, Howell

concluded.

PEER's request provided an appropriate target for specific documents, Howell wrote. And she rejected the agency's argument that it would be impossible to determine the evidence that led Pruitt to make his claim.

"EPA's strained attempt to raise an epistemological smokescreen will not work here to evade its obligations under the FOIA," she wrote.

Howell also ordered EPA to respond to PEER's request for any agency records that concluded human-caused CO2 emissions are not causing climate change.

"EPA has failed to demonstrate a viable legal basis for its refusal to conduct any search whatsoever in response to the plaintiff's straightforward FOIA request," Howell concluded.

**WHAT'S NEXT:** Howell ordered EPA to finish its records search by July 2 and hand over any responsive documents to PEER "promptly" on a rolling basis. She also ordered EPA to say by July 11 whether any records are being withheld in full or in part.

*To view online [click here.](#)*

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**Tester attacks Rosendale in new TV ad [Back](#)**

By James Arkin | 06/07/2018 05:32 PM EDT

Sen. [Jon Tester](#)'s (D-Mont.) campaign began airing an attack ad against newly minted GOP nominee Matt Rosendale today, according to Advertising Analytics.

The service captured the ad running on broadcast TV two days after Rosendale, the state auditor, won the Republican primary to face Tester in the general election. The ad labels the Republican "Maryland Matt" — picking up on attacks from Rosendale's former Republican primary rivals, who hammered him as a carpetbagger because he moved to Montana from Maryland in 2002. All three of Rosendale's former opponents endorsed his campaign today.

"Meet Maryland Matt Rosendale," the Tester ad's narrator says. "A millionaire real estate developer from Maryland where he made a lot of money turning farmland into developments. Now he's in Montana to develop real estate here, too. He pushed to transfer our public lands knowing our state would have to sell them off so developers like himself can buy them and cash in while restricting our access to our public lands. Defend Montana from Maryland Matt before it's too late."

View the ad [here.](#)

To view online [click here](#).

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**To:** Abboud, Michael[abboud.michael@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Bodine, Susan[bodine.susan@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Bolen, Derrick[bolen.derrick@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Darwin, Henry[darwin.henry@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Dourson, Michael[dourson.michael@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Feeley, Drew (Robert)[Feeley.Drew@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]; Gordon, Stephen[gordon.stephen@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Harlow, David[harlow.david@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Konkus, John[konkus.john@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Lovell, Will (William)[lovell.william@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]; Sands, Jeffrey[sands.jeffrey@epa.gov]; Schwab, Justin[Schwab.Justin@epa.gov]; Shimmin, Kaitlyn[shimmin.kaitlyn@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; White, Elizabeth[white.elizabeth@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]; Benevento, Douglas[benevento.douglas@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Glenn, Trey[Glenn.Trey@epa.gov]; Gulliford, Jim[gulliford.jim@epa.gov]; Lopez, Peter[lopez.peter@epa.gov]; Servidio, Cosmo[Servidio.Cosmo@epa.gov]; Stepp, Cathy[stepp.cathy@epa.gov]

**From:** Ford, Hayley  
**Sent:** Fri 11/3/2017 9:17:27 PM  
**Subject:** Weekly Report 11.3.17  
Weekly Report 11.03.2017.docx

See attached for weekly report. Thanks!

## Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator

Environmental Protection Agency

[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)

Phone: 202-564-2022

Cell: Ex. 6 - Personal Privacy

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### **Tar Creek Superfund Site, Quapaw, Oklahoma**

On November 7, 2017, representatives from two EPA Regions, the states, tribes, trustees and community/watershed groups will meet in Quapaw, Oklahoma, to discuss comments and concerns regarding work in the Tristate Mining District. Region 7 representatives will provide an update on remedial action progress in both Kansas and Missouri while representatives from Region 6, the Oklahoma Department of Environmental Quality, and the Quapaw will provide updates on remedial progress in Oklahoma. In addition, Region 6 will provide updates on the Operable Unit 5 remedial

investigation, specifically related to data collection and review and discussion of human health risk assessment input parameters. The participants are expected to include Oklahoma, Kansas, Quapaw Tribe, Peoria Tribe, Wyandotte Nation, Miami Nation, Ottawa Tribe, Seneca-Cayuga Nation, Eastern Shawnee Tribe, Cherokee Nation, U.S. Fish and Wildlife, Region 7, Grand River Dam Authority, Local Environmental Action Demanded (LEAD) Agency, Grand Lake Watershed Alliance Foundation (GLWAF), and Spring River Watershed Restoration and Protection Strategy (Spring River WRAPs). Then on November 8, 2017, the EPA will meet with representatives from the Quapaw Tribe Environmental Office and the Oklahoma Department of Environmental Quality, in Quapaw, Oklahoma, to discuss the current and planned remedial actions for Operable Unit 4 (Mine Waste).

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**From:** Carroll, Carly  
**Sent:** Fri 11/3/2017 5:03:17 PM  
**Subject:** Weekly Report 11.03.2017.docx  
[Weekly Report 11.03.2017.docx](#)

Good Afternoon,

Please see the attached weekly report for the week ending 11.03.2017.

Best,

Carly Carroll

Special Assistant to the Acting Deputy Administrator

U.S. Environmental Protection Agency

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carroll.carly@epa.gov

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**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** E&E News  
**Sent:** Wed 4/11/2018 11:22:55 AM  
**Subject:** April 11 -- Energywire is ready

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## **ENERGYWIRE — Wed., April 11, 2018**

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#### **Could oil taxes, striking teachers shift Okla.?**

Lawmakers in Oklahoma are facing fallout from a tax hike and a teacher walkout. There could be more turmoil if EPA Administrator Scott Pruitt, who was the state attorney general until early 2017, decides to run for governor.

### **TOP STORIES**

#### **2.NEWSMAKER:**

#### **To Perry devotee, Texas market is 'experiment in freedom'**

#### **3.SECURITY:**

#### **White House departure creates another cyber vacancy**

#### **4.SUPERFUND:**

#### **Watchdog group sues again on Tar Creek, seeks Inhofe emails**

### **ELECTRICITY**

#### **5.SECURITY:**

#### **DHS brews a 'Cyber Storm' for critical infrastructure**

#### **6.POWER MARKETS:**

#### **FirstEnergy's call for help gets little sympathy**

#### **7.PEOPLE:**

#### **Former oil and gas rep confirmed as Kan. utilities regulator**

### **OIL AND GAS**

#### **8.GAS EXPORTS:**

#### **Cove Point LNG launches East Coast exports**

#### **9.BUSINESS:**

#### **Devon sheds 300 more jobs**

#### **10.PEOPLE:**

#### **Texas oil regulator taps its CFO as new leader**

#### **11.TECHNOLOGY:**

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**To:** Abboud, Michael[abboud.michael@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Bodine, Susan[bodine.susan@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Darwin, Henry[darwin.henry@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Feeley, Drew (Robert)[Feeley.Drew@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]; Gordon, Stephen[gordon.stephen@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Harlow, David[harlow.david@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Konkus, John[konkus.john@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Lovell, Will (William)[lovell.william@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]; Schwab, Justin[Schwab.Justin@epa.gov]; Shimmin, Kaitlyn[shimmin.kaitlyn@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; White, Elizabeth[white.elizabeth@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]  
**Cc:** Dickerson, Aaron[dickerson.aaron@epa.gov]; Woodward, Cheryl[Woodward.Cheryl@epa.gov]; Willis, Sharnett[Willis.Sharnett@epa.gov]  
**From:** Ford, Hayley  
**Sent:** Mon 10/9/2017 9:51:51 PM  
**Subject:** DRAFT LxL / NO COS Meeting Tomorrow  
Weekly Report 10.06.2017 final.docx  
October 10 - November 4 2017- Draft Line X Line.pdf

Draft LxL and weekly report attached. NO COS meeting in the morning.

Thanks!

**Hayley Ford**

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)

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**Court Enters Tar Creek Superfund Settlement:** On September 26<sup>th</sup>, the Oklahoma District Court entered a CERCLA Consent Decree (CD) between the United States and NL Industries, Doe Run Resources Corp., and the Department of Interior for the Tar Creek Superfund Site, Oklahoma. The Site includes approximately 40 square miles in northeastern Oklahoma contaminated by lead from historic mining operations. Under the CD, the settling parties are paying over \$15 million to EPA to address claims for Operable Unit (OU) 2 (residential yards), OU 4 (waste piles and streams) and OU5 (sediment) at the Site. The CD also provides for the payment of \$287,000 to the State of Oklahoma. The funds will be used by EPA for the ongoing OU4 work, particularly to address stream contamination. This CD was lodged in 2016, but was held up by Asarco LLC, an intervenor in the case (who previously entered into a \$38.5 million bankruptcy settlement with the United States at the Site) that filed a motion in opposition to the CD. The District Court's opinion and order entering the CD found the CD to be fair, reasonable, and consistent with the goals of CERCLA and the strong policy that favors settlements.



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**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** Morning Energy  
**Sent:** Tue 4/10/2018 2:05:16 PM  
**Subject:** POLITICO's Morning Energy, presented by the American Petroleum Institute: Parsing Pruitt's 'war on lead' — Jackson takes responsibility on raises — Mission impossible? Replacing Pruitt

By Kelsey Tamborrino | 04/10/2018 10:00 AM EDT

*With help from Eric Wolff, Annie Snider, Alex Guillén, Anthony Adragna and Ben Lefebvre*

**PARSING PRUITT'S 'WAR ON LEAD':** Amid the wave of recent scandals, EPA Administrator Scott Pruitt and his supporters have touted regulatory rollbacks and a focus on drinking water policy as big victories for the Trump administration. "Record clean Air & Water while saving USA Billions of Dollars," President Donald Trump tweeted over the weekend, in support of the embattled administrator. But details on Pruitt's water plans remain sparse, Pro's Annie Snider reports, leaving critics to wonder how much he can achieve while also seeking to shrink the agency.

**It is unclear exactly what air and water "record"** Trump was referring to in his tweet, but it is likely too early to make such definitive claims, Annie reports. Only limited data on drinking water quality under the Trump administration is available, and air pollution has been declining for more than a decade. But before Pruitt was engulfed by negative headlines, the EPA chief touted his ambitious goals to update aging infrastructure and eradicate dangerous chemicals from drinking water. He's since leaned into such plans in interviews with conservative media outlets when defending himself against accusations of ethical missteps.

**Pruitt brought together high-level officials** from across the government earlier this year to launch his "war on lead," and in May is set to convene a nationwide summit of drinking water officials to address chemical contamination. Local drinking water agencies are glad to see Pruitt pay attention, Annie reports, but many still wonder how much he'll be able to get done, with a White House that has indicated Pruitt should be able to accomplish his goals without any new money. Read [more](#).

**IT'S TUESDAY!** I'm your host Kelsey Tamborrino. QEP Resources' Shane Schulz was first to identify Gilbert Stuart's portrait of George Washington as the one saved by former first lady Dolley Madison during the War of 1812. For today: What are the five countries in Europe that don't have an airport? Send your tips, energy gossip and comments to [ktamborrino@politico.com](mailto:ktamborrino@politico.com), or follow us on Twitter [@kelseytam](#), [@Morning\\_Energy](#) and [@POLITICOPro](#).

**CAUGHT BETWEEN AN EMAIL AND AN INTERVIEW:** EPA chief of staff Ryan Jackson says he takes responsibility for the controversial raises given to two of Pruitt's top aides, Pro's Emily Holden reports. The Atlantic reported Monday on the existence of an internal EPA email between Sarah Greenwalt, senior counsel to the administrator who previously worked with Pruitt in Oklahoma, and EPA HR. The email confirms Pruitt knew of and approved Greenwalt's raise, which the Atlantic reports is roiling agency staff and contradicts Pruitt's comment to a Fox News interviewer when he said "I didn't know they got the pay raises until yesterday."

**In a response to the report,** Jackson distanced Pruitt from the salary decision. "Administrator Pruitt had zero knowledge of the amount of the raises, nor the process by which they transpired. These kind of personnel actions are handled by EPA's HR officials, Presidential Personnel Office and me," Jackson said in a prepared statement Monday. Read [more](#).

**EPA ETHICS OFFICIAL REFERS TO IG:** Kevin Minoli, EPA's top ethics official, has sent ethics concerns regarding Pruitt to the Office of Inspector General for further investigation, according to a letter sent Monday and obtained by [Buzzfeed](#). Minoli, a longtime EPA attorney, was responding to the Office of Government Affairs' acting director, David Apol, who on Friday [urged](#) him to further review issues like Pruitt's housing, spending and the raises granted to aides. In his response, Minoli writes that he lacks independent investigative authority. "Consequently, in an instance in which the EPA ethics office lacks sufficient evidence to assess fully an ethics matter, we have a long-standing practice of referring it to the" IG, he wrote.

**SWAMP THINGS:** Senate Minority Leader [Chuck Schumer](#) joined his House counterpart [Nancy Pelosi](#) in [calling for](#) Pruitt's exit on Monday. "President Trump says he's going to drain the swamp. Pruitt characterizes the swamp in just about all of his actions, and Trump sticks by him," Schumer said from the Senate floor. "If you want to drain the swamp, Mr. President, get rid of Mr. Pruitt." The Environmental Working Group [calculated](#) there are now 91 bipartisan members of Congress calling for Pruitt's removal. More [here](#) from your ME host.

**LUKEWARMLY STAND BY YOUR MAN:** A bunch of GOP senators told ME Monday that legitimate questions had been raised about Pruitt's conduct, but none of them would go so far as to call for his resignation. "I know there a lot of questions that are being asked that sound like they need to be responded to," Senate Energy Chairman [Lisa Murkowski](#) told ME. "The questions that have come up are legitimate questions to have, so we'll have to wait and see what his answers are to those," Sen. [John Boozman](#) said.

**But members of Senate leadership largely dodged.** Sen. [John Cornyn](#), the chamber's Majority Whip, wouldn't directly weigh in on the scandals: "It's the president's decision not ours." And Sen. [John Barrasso](#), chairman of the EPW Committee, said Pruitt would probably come before his panel again this year, but declined anything more specific. Others defended the embattled EPA chief completely, with Sen. [Roger Wicker](#) arguing Pruitt's "vilified because he's doing his job and the left is doing everything they can to make him not succeed."

**Sen. Joe Manchin,** one of the few Senate Democrats who backed Pruitt's confirmation, said he didn't regret his vote, but added that the administrator should answer questions about his conduct. "He has to be held accountable," Manchin told reporters. Asked if he was surprised Pruitt still had a job, Sen. [Brian Schatz](#) told ME: "I'll just say that other secretaries in the same administration have left for less."

**MISSION IMPOSSIBLE:** With a shrunken Republican majority in the Senate, lawmakers would struggle to confirm any new EPA administrator, POLITICO's Burgess Everett and Anthony Adragna report - let alone someone as aggressive about undoing former President Barack Obama's environmental rules and regulations. "Anything is going to be hard right now at

50-49 to confirm, especially if it's a high profile position," said Sen. John Thune of South Dakota, the No. 3 GOP leader. Read the full story here.

**MORE SUPPORT FOR WHEELER:** Republican Sen. Susan Collins, who opposed Pruitt's selection to run EPA, said she intends to back his selection for deputy administrator, Andrew Wheeler. "Unless there is some new adverse information, based on my review of his record I do intend to support him," she told ME. That further clears the path for Wheeler, who has secured the support of at least two moderate Democrats as well.

**MOST ENDANGERED:** Rivers threatened by oil, gas, agriculture and mining development dominate this year's list of Most Endangered Rivers, the annual rundown by green group American Rivers. Mississippi's Big Sunflower River list is ranked in the top slot, thanks of efforts by the state's congressional delegation to revive a vetoed Army Corps of Engineers flood control project that would have drained tens of thousands of acres of wetlands in the watershed. A rider supporting the project failed to make it into the fiscal 2018 spending bill last month - the last one managed by Mississippi Sen. Thad Cochran before he retired. Read the report here.

**\*\* A message from the American Petroleum Institute:** Safe energy exploration and development in the Outer Continental Shelf could bring significant jobs, investments, and state revenue for public education and infrastructure to coastal states and across the nation, as well as strengthen our national security. Recently released studies highlight the potential economic benefits here: <http://bit.ly/2FPgybN> \*\*

**THE RFS MEETING THAT DIDN'T ROAR:** The participants at a White House meeting Monday on the Renewable Fuel Standard know what happened, but hardly anyone else does. One ethanol source told ME that Trump had punted the issue to Congress, but a Growth Energy spokeswoman said, "Our understanding is that they will continue to explore options." Reuters Jarrett Renshaw tweeted that Trump had decided to allow another three months for discussions. Growth, an ethanol trade association, put out a statement saying, "We are encouraged that the White House continues to rebuff Senator [ Ted Cruz]'s efforts to place a cap on RINs, which would destabilize the RFS and devastate struggling farm communities."

**So what now?** If Trump has indeed decided not to decide - at least for a while - then all eyes turn to Sen. John Cornyn and Rep. John Shimkus who have been working on a draft legislation that would overhaul the RFS. The Senate has a world of work to do, from approving nominees to run the State Department and the CIA to funding the government in September, so it's not clear how anything could get to the floor before - at the earliest - a lame-duck session after the November election.

**CONFIRMED:** James Edward Campos was confirmed by voice vote Monday to be director of the Office of Minority Economic Impact at the Energy Department. The Senate also confirmed Theodore Garrish Monday by voice vote to be assistant secretary of Energy for international affairs, and James Reilly to be director of the United States Geological Survey. Read more.

**TWEET FOR TAT:** Interior press shop's relationship with New Mexico conservationists seems to be ... not great. Nonprofit Trust For Public Land took to the social platform Monday afternoon

to thank BLM and New Mexico lawmakers - Rep. [Ben Ray Luján](#) and Sens. [Tom Udall](#) and [Martin Heinrich](#) - for helping to add 600 acres to the Rio Grande del Norte National Monument. DOI followed up hours later: "Too bad they pulled their quote from a joint press release at the last minute. Guess they aren't all that interested in collaborative conservation. SAD," the official DOI press secretary Twitter account [posted](#). "We're extremely proud of our collaboration with both Democrats and Republicans to ensure everyone has access to public lands," TFPL spokesman Keith Maley said, declining to comment further "on a press release we didn't issue."

**A GREENER APPLE:** Apple Inc. on Monday said all of its global facilities, which include data centers, Apple stores, and offices, are running on 100 percent renewable electricity. "We're going to keep pushing the boundaries of what is possible with the materials in our products, the way we recycle them, our facilities and our work with suppliers to establish new creative and forward looking sources of renewable energy because we know the future depends on it," CEO Tim Cook said in a statement.

**ICYMI: 'CALL YOUR SENATORS':** An ME reader flagged a [30-second ad](#) touting Interior Secretary Ryan Zinke that aired in D.C. last month. The ad prompts viewers to "call your senator" to demand they back Zinke and funding to repair national park infrastructure. But ME is a little skeptical that the TV spot is really about a specific policy, given that a) sources told us the ad only aired in D.C., which doesn't have any local senators to call, b) the footage reserves its longest shot for a smiling Zinke, and c) it aired around the same time a polling firm [recently asked people in Iowa](#) what they thought about the former Montana congressman and Navy SEAL. ME's source said American Economic Freedom Alliance paid for the spot. Little is known about the group, but it may have relationships with Vice President Mike Pence, according to [the Indianapolis Star](#).

**GREENS NOT FANS OF SCOTT'S SENATE RUN:** Florida Gov. Rick Scott [announced](#) Monday he's running for Sen. [Bill Nelson](#)'s seat - drawing the immediate condemnation of environmentalists who say the two-term governor has refused to acknowledge climate change, among other issues, Pro Florida's Bruce Ritchie reports. They instead accused Scott of "greenwashing" his record in the state. "I think he will try to put everything he can out there to say he is an environmental champion," Frank Jackalone, the Sierra Club's Florida chapter director, told Bruce. "But we look at the bigger record and he is not [an environmental champion]." Read the [story](#).

**GREENS: REJECT POMPEO:** More than 200 environmental groups called on senators today to reject Mike Pompeo's nomination for secretary of State. The letter, organized by the Food & Water Watch, cites Pompeo's history of statements [doubting](#) the science behind climate change. Read the letter [here](#).

**HARD BLOCK CAFE:** Democratic Sens. [Jeff Merkley](#), [Ed Markey](#), [Ben Cardin](#) and [Michael Bennet](#) will hold a press conference today alongside clean air advocates to discuss EPA's recent announcement that it intends to rollback Obama-era fuel economy standards. Janet McCabe, former acting assistant administrator of EPA's Office of Air and Radiation, will also join the event.

**TRUE CRIME:** The Atlantic Council's Global Energy Center released a new report today on illicit maritime activity related to the use of hydrocarbons. The report focuses on crimes including the small-scale smuggling of subsidized fuel and the hijacking of oil tankers. Read it [here](#).

## QUICK HITS

- The SEC is blunting investor activism over climate, K-Cups and gay rights, [The Washington Post](#).
- State attorney general releases Tar Creek audits, [Tulsa World](#).
- "Kinder Morgan blinked": Cross-Canada pipeline on hold because of opposition, [The Seattle Times](#).
- Biggest U.S. electric grid has plan to keep power plants afloat, [Bloomberg](#).
- Ohio power company has few allies in bailout bid, [The Wall Street Journal](#).

## THAT'S ALL FOR ME!

**\*\* A message from the American Petroleum Institute:** The oil and natural gas industry supports over 10 million jobs and almost 8 percent of the U.S. GDP. We support common-sense energy policies that promote safe energy development that will advance America's energy and economic future, while strengthening our national security. Recent studies find that opening up the Outer Continental Shelf (OCS) for U.S. energy exploration and development could bring significant jobs, investments, and state revenue for public education and infrastructure to coastal states and across the nation. Natural gas and oil non-station jobs pay an average salary of \$101,000 with many not requiring college degrees. The Atlantic OCS alone could support 265,000 new jobs, an additional \$20 billion per year in new private investment, and contribute \$22 billion per year to the U.S. economy. Studies on the Eastern Gulf of Mexico, Pacific, and Alaska found similar benefits to opening up the OCS for offshore development. Read the highlights of the economic impact studies: <http://bit.ly/2FPgybN> \*\*

*To view online:*

<https://www.politico.com/newsletters/morning-energy/2018/04/10/parsing-pruitts-war-on-lead-163864>

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**Cc:** Dickerson, Aaron[dickerson.aaron@epa.gov]; Woodward, Cheryl[Woodward.Cheryl@epa.gov]; Willis, Sharnett[Willis.Sharnett@epa.gov]  
**From:** Ford, Hayley  
**Sent:** Fri 11/17/2017 10:37:15 PM  
**Subject:** Draft LxL / Weekly Report  
Final Weekly Report 11.17.2017.docx  
November 20 - December 15 2017- Draft Line X Line.pdf

See attached for draft LxL and weekly report. Will update you this weekend on whether we have a brief COS meeting Monday morning.

Have a nice weekend!

**Hayley Ford**

Deputy White House Liaison and Personal Aide to the Administrator

Environmental Protection Agency

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Ex. 6 - Personal Privacy

# Ex. 5 - Deliberative Process

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## Ex. 5 - Deliberative Process

- **ORD support to the Oklahoma Department of Environmental Quality (ODEQ) with soil amendment efforts at Tar Creek Superfund Site:** ORD's efforts will help the state evaluate the effectiveness of a soil amendment technology with regard to bioavailability at this site. ODEQ will collect soil samples that will undergo *in-vivo* animal testing and the speciation analysis by ORD.

## Ex. 5 - Deliberative Process



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**To:** Jackson, Ryan[jackson.ryan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Konkus, John[konkus.john@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Block, Molly[block.molly@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]  
**From:** Daniell, Kelsi  
**Sent:** Wed 12/20/2017 3:10:06 PM  
**Subject:** EPA Morning News Highlights 12.20.17  
[EPA Morning News Highlights 12.20.17.docx](#)

### **EPA Morning News Highlights 12.20.17**

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#### **Washington Examiner: EPA Appoints Region Head to Cover Home of Lead-Contamination Crisis**

Environmental Protection Agency Administrator Scott Pruitt appointed Cathy Stepp to become regional administrator for Region 5, which includes the home of the lead contamination crisis in Flint, Mich., the agency announced Tuesday. Stepp will oversee EPA efforts in Indiana, Illinois, Michigan, Minnesota, Ohio, and Wisconsin. The Region 5 office has become of critical political importance in recent years after the Flint drinking water crisis captured national attention during last year's presidential election.

#### **Brownfield Ag News: EPA says Glyphosate does not cause cancer in humans**

The Environmental Protection Agency has released a draft human health risk assessment stating that weed-killer glyphosate likely does not cause cancer in humans. The assessment concluded there are no meaningful risks to human health when the pesticide label is followed, and it should be classified as “not likely to be a carcinogen for humans.” The EPA says the findings are consistent with the 2017 National Institute of Health Agricultural Health Survey, which found “no statistically significant associations with glyphosate use and cancer at any site.”

#### **Portland Business Journal: EPA, Four Companies Reach Key Portland Harbor Superfund Cleanup Deal**

The Environmental Protection Agency and four major industrial polluters have agreed on a key next step in the Portland Harbor Superfund site cleanup, the federal agency announced on Tuesday. The agreement between Arkema Inc., Evraz Inc. NA, Schnitzer Steel Industries Inc., the Marine Group LLC and the EPA sets the framework of a \$14 million sampling plan that will be used to guide and assess the cleanup of the polluted 10-mile stretch of the Willamette River.

### **The Californian: Salinas Oil Company Penalized for Environmental Violations**

In September 2016, the EPA inspected the company and found there was a violation of the Clean Water Act's Oil Spill Prevention, Control and Countermeasure, according to an EPA press statement. The inspection found that there was a lack of secondary containment to keep oil that had been spilled from leaking into nearby water, a lack of safe and appropriate containers for the storage of oil, a failure of regular inspections and tank integrity testing and failure to provide and maintain records from the company's compliance with requirements, according to the press release.

### **Joplin Globe: John Berrey: Politico Got It Wrong on Tar Creek**

After decades of exploitation, environmental devastation, mismanagement of natural resources and broken promises, the Quapaw tribe, with the help of Sen. Inhofe, Pruitt and the EPA, and the state of Oklahoma, has taken a leadership role at the Tar Creek site. With all due respect to the former residents of the Tar Creek area and Politico, the real story at Tar Creek is this: The members of an Indian tribe were promised land as a place to be Quapaw. Now they are taking it back one truckful of mine waste at a time.

### **Missourinet: Missouri Lawmakers Differ on Fixing St. Louis Area Landfill before EPA Head Decides**

EPA head Pruitt told a U.S. House committee in early December that he'll release a decision next month on what will be done at West Lake Landfill. The site will either be capped, as Kehoe and the group of Republican State Senators want, or it will be excavated. Meanwhile, Democratic State Senator Maria Chappelle-Nadal of University City refiled the same measure she put forth last session to assist homeowners in contaminated areas. Under the plan, if a federal or state environmental or state health agency determined a home to be uninhabitable due to contamination from certain radiation, the owner would be eligible to sell the home for fair market value through the Missouri contaminated home acquisition program administered by the state Department of Natural Resources.

### **National Morning News Highlights 12.20.17**

### Politico: Senators, White House Lay Groundwork for Dreamers Deal

Top senators and White House officials are laying the groundwork for a major immigration deal in January to resolve the fate of young undocumented immigrants whose legal protections were put in limbo by President Donald Trump. At a Tuesday afternoon meeting with nearly a dozen senators deeply involved in immigration policy, White House chief of staff John Kelly pledged that the administration will soon present a list of border security and other policy changes it wants as part of a broader deal on so-called Dreamers, according to people who attended the meeting. The plan could come in a matter of days, senators said.

### Bloomberg: Christmas Comes Early for Trump with Tax Win

After a year of infighting, frustration and failure, President Donald Trump and his Republicans finally have something to celebrate. The Senate early this morning passed the largest U.S. tax overhaul in more than three decades with barely a vote to spare, bringing Trump to the brink of his first big legislative win. One more (likely routine) vote in the House and the bill could be on his desk as soon as this afternoon.

### Yahoo! Congress Discloses 3 More Sexual Harassment Settlements

The Office of Compliance of the U.S. House of Representatives revealed on Tuesday three additional sexual-harassment settlements it paid out, totaling \$115,000, the Hill reports. The disclosure comes just one month after the Washington Postrevealed the Office paid more than \$17 million since 1997 to settle 264 workplace complaints (including harassment allegations).

### The Oklahoman: Incentive Review Shows Value of Tax Simplicity

This year, the state's Incentive Evaluation Commission reviewed 12 state economic tax incentives and ultimately voted to repeal five. Revenue increases associated with those repeal votes will be relatively minor. Instead, the biggest impact of the commission's work may be that it reinforces the fact that politicians have a poor record when it comes to identifying and nurturing job creation via targeted tax breaks.

## **Washington Examiner**

<http://www.washingtonexaminer.com/epa-appoints-region-head-to-cover-home-of-lead-contamination-crisis/article/2643923>

## **EPA Appoints Region Head to Cover Home of Lead-Contamination Crisis**

By: John Siciliano, 12/19/17

Environmental Protection Agency Administrator Scott Pruitt appointed Cathy Stepp to become regional administrator for Region 5, which includes the home of the lead contamination crisis in Flint, Mich., the agency announced Tuesday.

Stepp will oversee EPA efforts in Indiana, Illinois, Michigan, Minnesota, Ohio, and Wisconsin.

The Region 5 office has become of critical political importance in recent years after the Flint drinking water crisis captured national attention during last year's presidential election.

The drinking water crisis in the working-class city north of Detroit also became a focal point in congressional oversight last year and in major spending bill fights. The crisis started after Republican Gov. Rick Snyder appointed a project manager to find more cost-effective ways of supplying water to Flint.

The appointee signed off on a plan to divert the city's water supply from Lake Michigan to the Flint River, which caused the drinking water pipes in the city to corrode, sending large amounts of lead into residents' drinking water.

Stepp is coming from the EPA Region 7 office, where she serves as principal deputy regional administrator. Region 7 serves Iowa, Kansas, Missouri, Nebraska and nine tribal nations.

She previously served in the Midwest region as the secretary of the Wisconsin Department of Natural Resources from 2011 to 2017. She also served as a state senator in Wisconsin.

Pruitt said her experience brings "a fresh perspective to EPA as we look to implement President

Trump's agenda.”

Susan Hedman, the Region 5 head who served under the Obama administration's EPA, resigned over the Flint water crisis after it was reported that she refused to provide information on the lead contamination crisis after being contacted by the mayor.

## Brownfield Ag News

<https://brownfieldagnews.com/news/epa-says-glyphosate-not-cause-cancer-humans/>

### **EPA says Glyphosate does not cause cancer in humans**

By: Amie Sites, 12/19/17

The Environmental Protection Agency has released a draft human health risk assessment stating that weed-killer glyphosate likely does not cause cancer in humans.

The assessment concluded there are no meaningful risks to human health when the pesticide label is followed, and it should be classified as “not likely to be a carcinogen for humans.”

The EPA says the findings are consistent with the 2017 National Institute of Health Agricultural Health Survey, which found “no statistically significant associations with glyphosate use and cancer at any site.”

The findings contradict the advisory by the World Health Organization's International Agency for Research on Cancer (IARC), which concluded in 2015 that glyphosate is “probably carcinogenic.” The state of California plans to add glyphosate to its list of cancer-causing chemicals, which requires that products containing or grown with glyphosate carry warnings that it is a known carcinogen.

The EPA will open a 60-day comment period on the draft human health and ecological risk assessment.

# Portland Business Journal

<https://www.bizjournals.com/portland/news/2017/12/19/epa-four-companies-reach-key-portland-harbor.html>

## **EPA, Four Companies Reach Key Portland Harbor Superfund Cleanup Deal**

By: Pete Danko, 12/19/17

The Environmental Protection Agency and four major industrial polluters have agreed on a key next step in the Portland Harbor Superfund site cleanup, the federal agency announced on Tuesday.

The agreement between Arkema Inc., Evraz Inc. NA, Schnitzer Steel Industries Inc., the Marine Group LLC and the EPA sets the framework of a \$14 million sampling plan that will be used to guide and assess the cleanup of the polluted 10-mile stretch of the Willamette River.

In a joint statement, Schnitzer (NASDAQ: SCHN) and the Marine Group said the agreement “will expedite the cost-effective cleanup of the site in a way that is protective of public health and the environment, while ensuring that this waterway that is so vital to Oregon’s economy continues to be a working harbor.”

Yet environmentalists and state environmental regulators say the agreement falls short of their hopes.

The Oregon Department of Environmental Quality's Sarah Greenfield, in-water coordinator on the cleanup project, said that while the sampling plan would provide "a lot of necessary data," there "are a few data gaps and a few additional pieces of information that we hoped to see."



The agreement represents one of the first major steps in implementing the 13-year, \$1.05 billion cleanup plan unveiled by the Obama administration in January.

In October, DEQ and local officials, tribal leaders and environmental organizations had criticized the EPA over a draft agreement between the EPA and four then-unnamed companies, saying it threatened to undo the Obama administration's record of decision.

Gov. Kate Brown described the EPA draft agreement in October as a "significant setback" that "undermines the progress we've made."

On Tuesday, Bob Sallinger, conservation director for Portland Audubon, said the latest deal might not be as bad as that October version, but it's not what environmentalists hoped to see, nor what the EPA had been talking about earlier in the year.

In addition to sampling the contaminated river bottom, those earlier drafts called for sampling numerous "potential wildlife receptors," which could give further insight into the effectiveness of the cleanup.

The settlement, Sallinger said, calls for sampling only one species, smallmouth bass.

"This sampling plan is significantly weaker than the draft plans that the EPA had sent out in June," Sallinger said.

The DEQ's Greenfield said the agency was also hoping to see additional fish tissue sampling, particularly of carp, one of the more commonly eaten fish from the river.

Schnitzer defended that part of the plan.

"We had prepared our proposal prior to the release of EPA's proposal and our sampling plan focused on the smallmouth bass because in the record of decision that is the primary species of concern for fish consumption risk," a company spokesperson said. "EPA agreed with this approach and agreed that it could do additional sampling including other species in the future."

Sallinger, however, said it was disappointing that only four polluters — out of several dozen potentially responsible parties — had been allowed to define the baseline sampling plan.

## The Californian

<http://www.thecalifornian.com/story/news/2017/12/19/salinas-oil-company-penalized-environmental-violations/966236001/>

### **Salinas Oil Company Penalized for Environmental Violations**

By: Cristian Ponce, 12/19/17

Encore Oils and Ottone-Salinas, Inc. have been penalized for several federal Clean Water Act violations.

The U.S. Environmental Protection Agency reached a settlement Tuesday with both companies in an effort to prevent the risk of oil spills from their biodiesel processing facility in Salinas to the Monterey Bay Watershed.

The settlement includes a \$31,893 penalty and resolves several Clean Water Act Violations, according to the press release from the EPA.

Ottone-Salinas, Inc. owns the property that Encore Oils, also known as SeQuential, operates on, located ten feet from Alisal Creek which flows into the Salinas River.

In September 2016, the EPA inspected the company and found there was a violation of the Clean Water Act's Oil Spill Prevention, Control and Countermeasure, according to an EPA press statement.

The inspection found that there was a lack of secondary containment to keep oil that had been spilled from leaking into nearby water, a lack of safe and appropriate containers for the storage of oil, a failure of regular inspections and tank integrity testing and failure to provide and maintain records from the company's compliance with requirements, according to the press release.

These regulations are put in place to reduce the risk of having oil reach nearby waters and to make sure there is adequate containment of oil spills, according to the press release.

Under the agreement with the EPA, SeQuential has put in place different safeguards to make sure oil spills will not reach nearby waterways, which include closing tanks that are failing.

## Joplin Globe

[http://www.joplinglobe.com/opinion/columns/john-berrey-politico-got-it-wrong-on-tar-creek/article\\_96e18c96-8e7d-51b4-bccc-8ab81e6d9575.html](http://www.joplinglobe.com/opinion/columns/john-berrey-politico-got-it-wrong-on-tar-creek/article_96e18c96-8e7d-51b4-bccc-8ab81e6d9575.html)

### **John Berrey: Politico Got it Wrong on Tar Creek**

By: John Berrey, 12/19/17

As the longtime chairman of the Quapaw Tribe of Oklahoma, I take strong exception to the Dec. 6 article by Politico's Malcom Burnley ("The Environmental Scandal In Scott Pruitt's Backyard"), which showed Burnley to be an accomplished ax-grinder.

This piece indicated that Oklahoma Sen. Jim Inhofe bears significant blame for the complicated nature of the cleanup of the Tar Creek Superfund site located on Quapaw land in Northeast Oklahoma.

Even casual observers know that the complications at Tar Creek existed long before the tenure of Sen. Inhofe. When mining companies discovered lead and zinc ore on Quapaw lands in the early 1900s they were required to acquire mining leases through the federal Bureau of Indian Affairs. Many Quapaw tribal members refused to lease their land to the mining companies. Perhaps not unsurprisingly, the BIA responded by declaring those tribal members “incompetent” and went ahead and executed the mining leases on their behalf.

When the Environmental Protection Agency declared Tar Creek a national priority list Superfund site in 1983, the EPA considered the BIA, along with the mining companies, a “responsible party” because of BIA’s participation in leasing the land for mining and its management of mining practices on Indian leases.

For most of the 30-plus years since being declared a responsible party by EPA, and therefore liable for the cleanup, BIA has refused to accept responsibility for the cleanup or provide any cleanup funds. In fact, because of its fear of past and future liability, the BIA fought every effort by the EPA to clean up mine waste on Quapaw tribal lands. This — not anything Sen. Inhofe did or didn’t do — is the primary reason that cleanup of Tar Creek has languished for over most of the last 35 years.

In reality, Sen. Inhofe and his staff, including his former chief of staff Ryan Jackson, should get significant credit for ending the deadlock between EPA and BIA, thereby allowing the start of the cleanup of the mountains of heavy metal-laden mine waste (called “chat”) that dominate the landscape on Quapaw land. In the early 2000s, Sen. Inhofe, using his influence as chairman of Environment and Public Works Committee in the Senate and working with Quapaw tribal leaders, brought upper management of the EPA and the Department of the Interior together by facilitating an agreement and sponsoring legislation that would ease fear of liability and allow the EPA to finally begin cleanup of mine waste on tribal lands. Since then, there has been more mine waste cleaned up at Tar Creek than in the previous 30 years combined.

More than once in the article the author states that the Quapaw tribe has been “contracted” to perform cleanup at Tar Creek. This represents a fundamental misunderstanding of the facts and the nature of tribal sovereignty. Under the Superfund law, Indian tribes have the same status as states where Superfund sites are concerned. The EPA cleanup funds that the Quapaw tribe’s Environmental Office receives to clean up mine waste on tribal lands are channeled through an inter-agency cooperative agreement — a funding method identical to EPA funding provided to

state agencies that participate in Superfund cleanups.

This method of cleanup funding has significant advantages over “contracting” out Superfund cleanup work. By funding a tribe or state agency to perform the work themselves, it allows work to be performed by local entities that know the communities in which they work, not to mention the lower costs that result from avoiding the usual markups of multilayered contractors.

This local control and funding of the cleanups at Superfund sites is consistent with Pruitt’s change in the focus of the Superfund program nationwide.

It should be noted that Tar Creek is the first Superfund site in the nation where an Indian tribe has been given the lead by the EPA in site cleanup. It may be news to Malcom Burnley, but the Quapaw tribe has scientists and engineers on staff to provide technical oversight and the tribe has a construction division with heavy equipment and numerous tribal employees with construction and earth moving equipment and experience. These enhancements were a direct result of tribal leaders, the EPA and Sen. Inhofe and his staff working together for over a decade to ensure that the tribe had the capacity and ability to perform this work.

It is reasonable to expect that the tribe, the most adversely affected stakeholder at Tar Creek, should benefit from the cleanup of its own lands. Accordingly, the Quapaw tribe has cleaned up more waste and returned more acres to productive use since 2013, than was cleaned up in the previous 30 years at Tar Creek.

The article states that “(a)s EPA administrator, he (Scott Pruitt) has assumed full responsibility for the still-faltering cleanup.” As I pointed out above, the cleanup is far from “faltering,” and in fact the state of Oklahoma — seeing how the tribe has achieved unprecedented progress in the cleanup at Tar Creek — has entered into its own inter-agency agreement with the Quapaw tribe to perform cleanup of contaminated nontribal land.

This state/tribe agreement is another nationwide first at a Superfund site. Not surprisingly, after Pruitt sent his senior staff to visit Tar Creek this past summer and report back to him, they reported that because of the tribe’s more than adequate capacity to perform the work at a lower cost, and because of the tribe’s longstanding relationships with landowners and the local communities, the current remediation work at Tar Creek should be a model for bringing new

approaches to large legacy Superfund sites.

Most of the article derides the Lead Impacted Communities Relocation Assistance Trust for alleged mismanagement of the relocation of residents of the Tar Creek area. Although I am not familiar with all of the inner workings of the LICRAT or the nature and validity of all of the grievances of the relocated residents, I do know that all of the residents have been removed from the hazards of the inevitable mine cave-ins that occur at the site on a regular basis.

Members of the LICRAT have also endeavored to see that the tribe ultimately receives the land that was purchased so that the tribe can ensure that the land is remediated and eventually converted into some form that can be safely used as a part of its land base.

It should also be noted that many residents living in the Tar Creek area were living on Quapaw tribal land, and in many cases, did not know it because the BIA had not been collecting rent for decades as it was required to. This resulted in some of the residents' evident resentment toward the LICRAT's proposed buyout offers.

After decades of exploitation, environmental devastation, mismanagement of natural resources and broken promises, the Quapaw tribe, with the help of Sen. Inhofe, Pruitt and the EPA, and the state of Oklahoma, has taken a leadership role at the Tar Creek site. With all due respect to the former residents of the Tar Creek area and Politico, the real story at Tar Creek is this: The members of an Indian tribe were promised land as a place to be Quapaw. Now they are taking it back one truckful of mine waste at a time.

John Berrey is the chairman of the Quapaw Tribe of Oklahoma.

## MissouriNet

<https://www.missourinet.com/2017/12/19/missouri-lawmakers-differ-on-fixing-st-louis-area-landfill-before-epa-head-decides/>

**Missouri Lawmakers Differ on Fixing St. Louis Area Landfill before EPA Head Decides**

By: Jason Taylor, 12/19/17

There are competing ideas among Missouri lawmakers for cleaning up the West Lake Landfill Superfund Site west of St. Louis.

Environmental Protection Agency (EPA) administrator Scott Pruitt said earlier this month that the government's taken too long to address the issues while declaring that a decision would be announced in January.

"There's proposals that I'm looking at this month to make a decision on West Lake. It's a very important issue to the people of St. Louis," says Pruitt.

Back in May, bipartisan legislation was introduced by Missouri members of Congress to transfer management of the site from the EPA to the Army Corp of Engineers.

Republican Roy Blunt and Democrat Claire McCaskill teamed up on a measure in the Senate, while GOP member Ann Wagner and Democrat William Lacy Clay, both St. Louis area Congress members, file a companion bill in the House.

In October, Republican state Senator Mike Kehoe of Jefferson City sent a letter to the EPA's regional office in Kansas City, asking the agency to follow its own 2008 recommendation to physically cap and isolate the material at the landfill forever.

Kehoe said in his letter that there continues to be no evidence of health risks to individuals living or working near the West Lake site, and that excavating the waste would present unintended hazards.

17 other Republican State Senators signed onto Kehoe's letter, which claims excavation and transportation of waste would create unnecessary exposure and public safety risks on roadways

and railways.

The correspondence also points out there's concern among wildlife and aviation experts that excavation would lead to the risk of bird strikes to aircraft approaching and leaving St. Louis' Lambert Airport.

Kehoe's letter expressed sympathy to those who worry their health may have been compromised by the legacy of the Manhattan Project, a World War II nuclear bomb development program which led to the dumping of contaminated waste at the West Lake site in the 1970's.

An underground fire at the nearby Bridgeton Landfill, which has been burning since at least 2010, is making its way toward the radioactive material at West Lake.

While Kehoe's letter dismisses the existence of health risks at West Lake, it states that circumstances at nearby Coldwater Creek have been found to be wholly different.

Kim Visintine of the Coldwater Creek group told Missourinet earlier this month people living in that area have reported a list of health battles, including cancer, autoimmune disease, some cannot have children and some children born with deformities.

EPA head Pruitt told a U.S. House committee in early December that he'll release a decision next month on what will be done at West Lake Landfill. The site will either be capped, as Kehoe and the group of Republican State Senators want, or it will be excavated.

Meanwhile, Democratic State Senator Maria Chappelle-Nadal of University City refiled the same measure she put forth last session to assist homeowners in contaminated areas.

Under the plan, if a federal or state environmental or state health agency determined a home to be uninhabitable due to contamination from certain radiation, the owner would be eligible to sell the home for fair market value through the Missouri contaminated home acquisition program



administered by the state Department of Natural Resources.

Chappelle-Nadal's bill calls for up to \$12.5 million to be dedicated to achieving the goal.

## Politico

<https://www.politico.com/story/2017/12/19/senate-white-house-trump-lay-groundwork-for-daca-deal-306298>

### **Senators, White House Lay Groundwork for Dreamers Deal**

By: Seung Min Kim, Heather Caygle and Elana Schor, 12/19/17

Top senators and White House officials are laying the groundwork for a major immigration deal in January to resolve the fate of young undocumented immigrants whose legal protections were put in limbo by President Donald Trump.

At a Tuesday afternoon meeting with nearly a dozen senators deeply involved in immigration policy, White House chief of staff John Kelly pledged that the administration will soon present a list of border security and other policy changes it wants as part of a broader deal on so-called Dreamers, according to people who attended the meeting. The plan could come in a matter of days, senators said.

About a half-dozen senators have been negotiating a bipartisan package prompted by Trump's decision to kill the Deferred Action for Childhood Arrivals program, an Obama-era executive action that granted work permits to nearly 800,000 undocumented immigrants who came here as minors. Yet the senators could not fully flesh out a deal before they knew what Trump was willing to sign.

"We couldn't finish this product, this bill, until we knew where the administration was," Sen. Jeff Flake (R-Ariz.), who has been negotiating a DACA compromise for weeks, said in an interview after the meeting with Kelly. "And that's why this meeting was so important."

Congressional Republicans and the White House have long said any DACA deal would need to be paired with security and other enforcement measures. Democrats say that's fine as long as the provisions weren't too onerous. But the border security question has been a sticking point for weeks, as senators swapped proposals without cutting a deal, so far.

And while liberal Democrats and grass-roots activists are pressuring Congress to enact permanent legal protections for Dreamers this year, both Democrats and Republicans at the meeting with Kelly said there was a consensus that legislation wouldn't pass before lawmakers leave Washington. It was one of the clearest sign yet that a Dreamers agreement won't, to the chagrin of liberals, come before 2018.

"Our belief is that if this matter is not resolved this week — and it's not likely to be resolved — that come the omnibus and the caps, that we have another chance to finally come up with a bipartisan package of things to include" by mid-January, said Sen. Dick Durbin (D-Ill.), who also attended the meeting. "The closer we get [to the March deadline], the more nervous I get, not to mention the way these young people feel. I'm sorry that it's taken this long."

Flake said he believes he has a commitment from Senate Majority Leader Mitch McConnell (R-Ky.) to hold a cloture vote on the floor on an immigration deal by mid-January, before the next likely deadline to fund the government, Jan. 19.

A spokesman for McConnell did not immediately return a request for comment. But the majority leader said during a Fox News interview that he has talked about the immigration issue with his counterpart, Senate Minority Leader Chuck Schumer of New York.

"No, we'll not be doing DACA ... this week," McConnell said. "That's a matter to be discussed next year. The president has given us until March to address that issue. We have plenty of time to do it."

At the Tuesday meeting, Kelly and other administration officials went into detail about how much of the southern border is currently fenced and how much more the White House would want in exchange for a DACA deal, according to people who attended.

Senators also pressed the White House on other immigration demands, such as an overhaul of the nation's asylum system or a change in policy toward unaccompanied minors who are apprehended at the southern border, and whether they needed to be included in the current DACA talks.

"Which of those policy items, or immigration law changes, do we need to make as part of this and what can wait for something else?" Flake said, summing up the questions from senators. "There's a lot of nice things we need to do as part of broader comprehensive reform, but we need to have a bill in January and we need to know what has to be in it and what the administration will support."

The bipartisan group of senators — Flake and Durbin, Michael Bennet (D-Colo.), James Lankford (R-Okla.), Thom Tillis (R-N.C.), Lindsey Graham (R-S.C.) and Cory Gardner (R-Colo.) — has discussed a legalization plan that would marry the DREAM Act, drafted by Durbin and Graham, with a more conservative proposal for Dreamers written by Tillis and Lankford, Flake said.

Those seven senators attended Tuesday's meeting with Kelly, as did Senate Majority Whip John Cornyn (R-Texas), and Republican Sens. Tom Cotton of Arkansas and David Perdue of Georgia.

"I think what we're trying to do is to get some clarity from the administration on what they require by way of border security and other enforcement measures," Cornyn said as he left the meeting. "We got a promise to provide it to us and hopefully we'll get that in short order. Maybe even this week."

Republicans' commitment to taking up a DACA deal next month won't spare Democrats the fury of liberal groups that have demanded that any spending bill this year include a solution for Dreamers.

Democratic leaders have signaled that they won't risk a government shutdown this month to secure relief for the Dreamers, though some lawmakers have vowed to withhold their votes for any must-pass funding measure without an immigration fix.

Durbin, the influential second-ranking Senate Democrat, is firmly in the camp of senators who won't vote for a spending bill without help for Dreamers. That group also includes liberal Sens. Bernie Sanders (I-Vt.), Kamala Harris (D-Calif.), Kirsten Gillibrand (D-N.Y.), and Elizabeth Warren (D-Mass.).

Durbin was asked by reporters Tuesday if there was a divide between him and Schumer over where to draw the line on the issue, and acknowledged that there "may be."

Schumer, for his part, put Republicans on notice Tuesday that they shouldn't count on Democratic votes for a short-term funding package that includes just some of Democrats' priorities — such as children's health insurance — while leaving immigration for next year.

In the House, lawmakers, including several in the Congressional Hispanic Caucus, privately say they don't see a path to secure a legislative fix for Dreamers before the end of the year. They acknowledge that the sides are now positioning themselves for a fight in January.

House Minority Leader Nancy Pelosi (D-Calif.) touched on dynamics during a private leadership meeting Monday night.

"We need to stick [together] and show that they need us," said one Democratic member with knowledge of the strategy going into January. Republicans "are not going to be able to keep going on with the CRs. ... Then we're at an inflection point in January."

That hasn't stopped some members from making a last-ditch effort to reach a bipartisan agreement, in hopes Democrats can use it as leverage in the House if Republicans need their votes to pass a short-term funding bill later this week.

“I believe that my leadership is gonna close the deal and I have to believe that,” said CHC Chair Michelle Lujan Grisham (D-N.M.), noting she’s canceled all Christmas travel to stay in Washington and work on a legislative fix.

Reps. Will Hurd (R-Texas) and Pete Aguilar (D-Calif.) are behind one effort that would pair a proposal similar to the DREAM Act with border security, according to several members.

And the Problem Solvers Caucus, a bipartisan group of 48 moderate Democrats and Republicans, is preparing to publicly embrace a specific proposal in the next day or two. A subset of the group has been working for weeks to hammer out an agreement and the entire caucus planned to meet again Tuesday night.

“There’s certainly scenarios where this could get done this week. I’m not an expert on how all these pieces could unfold,” said Rep. Josh Gottheimer (D-N.J.), a co-chairman of the group. “But everything is clearly on the table, which is why we think it’s important we move and move quickly here.”

## Bloomberg

<https://www.bloomberg.com/news/articles/2017-12-20/christmas-comes-early-for-trump-with-tax-win>

### **Christmas Comes Early for Trump with Tax Win**

By: Kathleen Hunter, 12/20/17

After a year of infighting, frustration and failure, President Donald Trump and his Republicans finally have something to celebrate.

The Senate early this morning passed the largest U.S. tax overhaul in more than three decades with barely a vote to spare, bringing Trump to the brink of his first big legislative win. One more (likely routine) vote in the House and the bill could be on his desk as soon as this afternoon.

The legislation - passed before Christmas, as Trump urged just two months earlier - quiets questions about the fractious party's ability to govern. The measure's repeal of the Obamacare insurance mandate also helps salve the wounds from Republican struggles to repeal the broader law earlier this year.

But the celebration may be short-lived. Congress must quickly pass a spending bill by Friday to avoid a holiday government shutdown.

The new year will bring more spending showdowns, Russia probe revelations and a midterm election in which the Democrats are increasingly favored to take back at least one house of Congress. The tax bill, with most of its benefits going to corporations and the rich, will provide ample fodder for the campaigns ahead.

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Senator Tim Scott, a Republican from South Carolina, center, speaks during a news conference with Senate Republicans

# Yahoo!

<https://www.yahoo.com/news/congress-discloses-3-more-sexual-211917622.html>

## **Congress Discloses 3 More Sexual-Harassment Settlements**

By: Lisa Ryan, 12/19/17

The Office of Compliance of the U.S. House of Representatives revealed on Tuesday three additional sexual-harassment settlements it paid out, totaling \$115,000, the Hill reports. The

disclosure comes just one month after the Washington Post revealed the Office paid more than \$17 million since 1997 to settle 264 workplace complaints (including harassment allegations).

According to the Hill, the three payments were made between fiscal years 2008 through 2012. Yet, the disclosure doesn't include any information about the recipients of the settlements, or from which offices the complaints originated.

Representative Gregg Harper, the chair of the House Administration Committee, released a statement, saying that his group had asked for a breakdown of the \$17 million total amount paid to settle the aforementioned complaints. Harper added that the committee still hasn't received all of the requested information.

"We must create a culture within our Capitol Hill community that instills in every employee and employer, new and old, that there is no place for sexual harassment in the halls of Congress," Harper said.

However, on Monday, the Senate's Office of Compliance rejected a bid by Senator Tim Kaine to release information about that chamber's sexual-harassment settlements, claiming it would violate confidentiality rules. "The [Office of Compliance] shares your concern over the issue of sexual harassment in Congressional workplaces, and we stand ready to work with Members, Committees, and other employing offices to promote awareness and prevention of this problem," the office wrote in a letter, per the Hill.

## The Oklahoman

<https://www.oklahoman.com/oklahoma-incentive-review-shows-flaws-of-political-planning/article/5576567>

### **Incentive Review Shows Value of Tax Simplicity**

By: Editorial Board, 12/20/17

THIS year, the state's Incentive Evaluation Commission reviewed 12 state economic tax incentives and ultimately voted to repeal five. Revenue increases associated with those repeal votes will be relatively minor. Instead, the biggest impact of the commission's work may be that it reinforces the fact that politicians have a poor record when it comes to identifying and nurturing job creation via targeted tax breaks.

In some instances, breaks have been designed to support companies that are producing fewer jobs than those produced by non-taxpayer supported industries. The commission found this was the case even for the Quality Jobs Act, generally considered one of the state's better business-incentive programs.

The commission's final report notes, "Industries incentivized by Quality Jobs have shown slower growth in employment and annual average pay over the last five years, compared to the State as a whole. Employment in incentivized industries contracted by 2.9 percent, while the State as a whole expanded by 2.5 percent."

The report reveals that Quality Jobs payments during the past five years "have gone to industries lagging behind State growth in employment and annual average pay." In fact, only 27 percent of payments went to establishments with growth in employment, total wages and average annual wage that exceeded state averages.

The commission reached similar conclusions regarding the Small Employer Quality Jobs program. "The industry group decreased employment over the last five years, as overall State employment expanded."

Since 1987, Oklahoma has offered a Home Office Tax Credit to insurance companies that establish home or regional home offices in Oklahoma and meet certain employment levels. The Incentive Evaluation Commission's final report notes, "The credit appears to have had little impact on the State's insurance industry employment in recent years. Insurance industry employment in Oklahoma has declined by 4.2 percent since 2001, while neighboring states, most of which do not have a similar home office incentive, have experienced growth ranging from 6 to 30 percent."

Other credits fared worse, or lacked sufficient data to even measure their worth.



Oklahoma has had a High Impact Quality Jobs program since 1994. The commission found the incentive “has never been used” and the state Department of Commerce “no longer promotes the program on its website due to lack of interest.”

The debate over Oklahoma's capital gain deduction was marred by what the commission deemed a “dearth of data.” The group also reported there is “insufficient data to accurately estimate or verify the total economic or tax revenue impacts of the clean-burning fuel vehicle credit.”

Then there's the Ethanol Fuel Retailer Tax Credit. The commission reports, “Based on the economic and fiscal impact analysis, it appears the annual incentives offered under this program exceed the tax revenue generated by additional household spending by Oklahoma residents.”

The commission's work reinforces the value of tax simplicity. Keeping tax rates low, applying them evenly across the board, and then letting market forces determine individual companies' success or failure works better than depending on politicians to somehow “guide” the process.

## **EPA Morning News Highlights 12.20.17**

### **Washington Examiner: EPA Appoints Region Head to Cover Home of Lead-Contamination Crisis**

Environmental Protection Agency Administrator Scott Pruitt appointed Cathy Stepp to become regional administrator for Region 5, which includes the home of the lead contamination crisis in Flint, Mich., the agency announced Tuesday. Stepp will oversee EPA efforts in Indiana, Illinois, Michigan, Minnesota, Ohio, and Wisconsin. The Region 5 office has become of critical political importance in recent years after the Flint drinking water crisis captured national attention during last year's presidential election.

### **Brownfield Ag News: EPA says Glyphosate does not cause cancer in humans**

The Environmental Protection Agency has released a draft human health risk assessment stating that weed-killer glyphosate likely does not cause cancer in humans. The assessment concluded there are no meaningful risks to human health when the pesticide label is followed, and it should be classified as "not likely to be a carcinogen for humans." The EPA says the findings are consistent with the 2017 National Institute of Health Agricultural Health Survey, which found "no statistically significant associations with glyphosate use and cancer at any site."

### **Portland Business Journal: EPA, Four Companies Reach Key Portland Harbor Superfund Cleanup Deal**

The Environmental Protection Agency and four major industrial polluters have agreed on a key next step in the Portland Harbor Superfund site cleanup, the federal agency announced on Tuesday. The agreement between Arkema Inc., Evraz Inc. NA, Schnitzer Steel Industries Inc., the Marine Group LLC and the EPA sets the framework of a \$14 million sampling plan that will be used to guide and assess the cleanup of the polluted 10-mile stretch of the Willamette River.

### **The Californian: Salinas Oil Company Penalized for Environmental Violations**

In September 2016, the EPA inspected the company and found there was a violation of the Clean Water Act's Oil Spill Prevention, Control and Countermeasure, according to an EPA press statement. The inspection found that there was a lack of secondary containment to keep oil that had been spilled from leaking into nearby water, a lack of safe and appropriate containers for the storage of oil, a failure of regular inspections and tank integrity testing and failure to provide and maintain records from the company's compliance with requirements, according to the press release.

### **Joplin Globe: John Berrey: Politico Got It Wrong on Tar Creek**

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### **Missourinet: Missouri Lawmakers Differ on Fixing St. Louis Area Landfill before EPA Head Decides**

EPA head Pruitt told a U.S. House committee in early December that he'll release a decision next month on what will be done at West Lake Landfill. The site will either be capped, as Kehoe and the group of Republican State Senators want, or it will be excavated. Meanwhile, Democratic State Senator Maria Chappelle-Nadal of University City refiled the same measure she put forth last session to assist homeowners in contaminated areas. Under the plan, if a federal or state environmental or state health agency determined a home to be uninhabitable due to contamination from certain radiation, the owner would be eligible to sell the home for fair market value through the Missouri contaminated home acquisition program administered by the state Department of Natural Resources.

## **National Morning News Highlights 12.20.17**

### **Politico: Senators, White House Lay Groundwork for Dreamers Deal**

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Tuesday afternoon meeting with nearly a dozen senators deeply involved in immigration policy, White House chief of staff John Kelly pledged that the administration will soon present a list of border security and other policy changes it wants as part of a broader deal on so-called Dreamers, according to people who attended the meeting. The plan could come in a matter of days, senators said.

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## Washington Examiner

<http://www.washingtonexaminer.com/epa-appoints-region-head-to-cover-home-of-lead-contamination-crisis/article/2643923>

### **EPA Appoints Region Head to Cover Home of Lead-Contamination Crisis**

By: John Siciliano, 12/19/17

Environmental Protection Agency Administrator Scott Pruitt appointed Cathy Stepp to become regional administrator for Region 5, which includes the home of the lead contamination crisis in Flint, Mich., the agency announced Tuesday.

Stepp will oversee EPA efforts in Indiana, Illinois, Michigan, Minnesota, Ohio, and Wisconsin.

The Region 5 office has become of critical political importance in recent years after the Flint drinking water crisis captured national attention during last year's presidential election.

The drinking water crisis in the working-class city north of Detroit also became a focal point in congressional oversight last year and in major spending bill fights. The crisis started after Republican Gov. Rick Snyder appointed a project manager to find more cost-effective ways of supplying water to Flint.

The appointee signed off on a plan to divert the city's water supply from Lake Michigan to the Flint River, which caused the drinking water pipes in the city to corrode, sending large amounts of lead into residents' drinking water.

Stepp is coming from the EPA Region 7 office, where she serves as principal deputy regional administrator. Region 7 serves Iowa, Kansas, Missouri, Nebraska and nine tribal nations.

She previously served in the Midwest region as the secretary of the Wisconsin Department of Natural Resources from 2011 to 2017. She also served as a state senator in Wisconsin.

Pruitt said her experience brings "a fresh perspective to EPA as we look to implement President Trump's agenda."

Susan Hedman, the Region 5 head who served under the Obama administration's EPA, resigned over the Flint water crisis after it was reported that she refused to provide information on the lead contamination crisis after being contacted by the mayor.

## Brownfield Ag News

<https://brownfieldagnews.com/news/epa-says-glyphosate-not-cause-cancer-humans/>

### **EPA says Glyphosate does not cause cancer in humans**

By: Amie Sites, 12/19/17

The Environmental Protection Agency has released a draft human health risk assessment stating that weed-killer glyphosate likely does not cause cancer in humans.

The assessment concluded there are no meaningful risks to human health when the pesticide label is followed, and it should be classified as "not likely to be a carcinogen for humans."

The EPA says the findings are consistent with the 2017 National Institute of Health Agricultural Health Survey, which found "no statistically significant associations with glyphosate use and cancer at any site."

The findings contradict the advisory by the World Health Organization's International Agency for Research on Cancer (IARC), which concluded in 2015 that glyphosate is "probably carcinogenic." The state of California plans to add glyphosate to its list of cancer-causing chemicals, which requires that products containing or grown with glyphosate carry warnings that it is a known carcinogen.

The EPA will open a 60-day comment period on the draft human health and ecological risk assessment.

## Portland Business Journal

<https://www.bizjournals.com/portland/news/2017/12/19/epa-four-companies-reach-key-portland-harbor.html>

### **EPA, Four Companies Reach Key Portland Harbor Superfund Cleanup Deal**

By: Pete Danko, 12/19/17

The Environmental Protection Agency and four major industrial polluters have agreed on a key next step in the Portland Harbor Superfund site cleanup, the federal agency announced on Tuesday.

The agreement between Arkema Inc., Evraz Inc. NA, Schnitzer Steel Industries Inc., the Marine Group LLC and the EPA sets the framework of a \$14 million sampling plan that will be used to guide and assess the cleanup of the polluted 10-mile stretch of the Willamette River.

In a joint statement, Schnitzer (NASDAQ: SCHN) and the Marine Group said the agreement "will expedite the cost-effective cleanup of the site in a way that is protective of public health and the environment, while ensuring that this waterway that is so vital to Oregon's economy continues to be a working harbor."

Yet environmentalists and state environmental regulators say the agreement falls short of their hopes.

The Oregon Department of Environmental Quality's Sarah Greenfield, in-water coordinator on the cleanup project, said that while the sampling plan would provide "a lot of necessary data," there "are a few data gaps and a few additional pieces of information that we hoped to see."

The agreement represents one of the first major steps in implementing the 13-year, \$1.05 billion cleanup plan unveiled by the Obama administration in January.

In October, DEQ and local officials, tribal leaders and environmental organizations had criticized the EPA over a draft agreement between the EPA and four then-unnamed companies, saying it threatened to undo the Obama administration's record of decision.

Gov. Kate Brown described the EPA draft agreement in October as a "significant setback" that "undermines the progress we've made."

On Tuesday, Bob Sallinger, conservation director for Portland Audubon, said the latest deal might not be as bad as that October version, but it's not what environmentalists hoped to see, nor what the EPA had been talking about earlier in the year.

In addition to sampling the contaminated river bottom, those earlier drafts called for sampling numerous "potential wildlife receptors," which could give further insight into the effectiveness of the cleanup.

The settlement, Sallinger said, calls for sampling only one species, smallmouth bass.

"This sampling plan is significantly weaker than the draft plans that the EPA had sent out in June," Sallinger said. The DEQ's Greenfield said the agency was also hoping to see additional fish tissue sampling, particularly of carp, one of the more commonly eaten fish from the river.

Schnitzer defended that part of the plan.

"We had prepared our proposal prior to the release of EPA's proposal and our sampling plan focused on the smallmouth bass because in the record of decision that is the primary species of concern for fish consumption risk," a company spokesperson said. "EPA agreed with this approach and agreed that it could do additional sampling including other species in the future."

Sallinger, however, said it was disappointing that only four polluters — out of several dozen potentially responsible parties — had been allowed to define the baseline sampling plan.

## The Californian

<http://www.thecalifornian.com/story/news/2017/12/19/salinas-oil-company-penalized-environmental-violations/966236001/>

### **Salinas Oil Company Penalized for Environmental Violations**

By: Cristian Ponce, 12/19/17

Encore Oils and Ottone-Salinas, Inc. have been penalized for several federal Clean Water Act violations.

The U.S. Environmental Protection Agency reached a settlement Tuesday with both companies in an effort to prevent the risk of oil spills from their biodiesel processing facility in Salinas to the Monterey Bay Watershed.

The settlement includes a \$31,893 penalty and resolves several Clean Water Act Violations, according to the press release from the EPA.

Ottone-Salinas, Inc. owns the property that Encore Oils, also known as SeQuential, operates on, located ten feet from Alisal Creek which flows into the Salinas River.

In September 2016, the EPA inspected the company and found there was a violation of the Clean Water Act's Oil Spill Prevention, Control and Countermeasure, according to an EPA press statement.

The inspection found that there was a lack of secondary containment to keep oil that had been spilled from leaking into nearby water, a lack of safe and appropriate containers for the storage of oil, a failure of regular inspections and tank integrity testing and failure to provide and maintain records from the company's compliance with requirements, according to the press release.

These regulations are put in place to reduce the risk of having oil reach nearby waters and to make sure there is adequate containment of oil spills, according to the press release.

Under the agreement with the EPA, SeQuential has put in place different safeguards to make sure oil spills will not reach nearby waterways, which include closing tanks that are failing.

## Joplin Globe

[http://www.joplinglobe.com/opinion/columns/john-berrey-politico-got-it-wrong-on-tar-creek/article\\_96e18c96-8e7d-51b4-bccc-8ab81e6d9575.html](http://www.joplinglobe.com/opinion/columns/john-berrey-politico-got-it-wrong-on-tar-creek/article_96e18c96-8e7d-51b4-bccc-8ab81e6d9575.html)

### **John Berrey: Politico Got it Wrong on Tar Creek**

By: John Berrey, 12/19/17

As the longtime chairman of the Quapaw Tribe of Oklahoma, I take strong exception to the Dec. 6 article by Politico's Malcom Burnley ("The Environmental Scandal In Scott Pruitt's Backyard"), which showed Burnley to be an accomplished ax-grinder.

This piece indicated that Oklahoma Sen. Jim Inhofe bears significant blame for the complicated nature of the cleanup of the Tar Creek Superfund site located on Quapaw land in Northeast Oklahoma.

Even casual observers know that the complications at Tar Creek existed long before the tenure of Sen. Inhofe. When mining companies discovered lead and zinc ore on Quapaw lands in the early 1900s they were required to acquire mining leases through the federal Bureau of Indian Affairs. Many Quapaw tribal members refused to lease their land to the mining companies. Perhaps not unsurprisingly, the BIA responded by declaring those tribal members "incompetent" and went ahead and executed the mining leases on their behalf.

When the Environmental Protection Agency declared Tar Creek a national priority list Superfund site in 1983, the EPA considered the BIA, along with the mining companies, a "responsible party" because of BIA's participation in leasing the land for mining and its management of mining practices on Indian leases.

For most of the 30-plus years since being declared a responsible party by EPA, and therefore liable for the cleanup, BIA has refused to accept responsibility for the cleanup or provide any cleanup funds. In fact, because of its fear of past and future liability, the BIA fought every effort by the EPA to clean up mine waste on Quapaw tribal lands. This — not anything Sen. Inhofe did or didn't do — is the primary reason that cleanup of Tar Creek has languished for over most of the last 35 years.

In reality, Sen. Inhofe and his staff, including his former chief of staff Ryan Jackson, should get significant credit for ending the deadlock between EPA and BIA, thereby allowing the start of the cleanup of the mountains of heavy metal-laden mine waste (called "chat") that dominate the landscape on Quapaw land. In the early 2000s, Sen. Inhofe, using his influence as chairman of Environment and Public Works Committee in the Senate and working with Quapaw tribal leaders, brought upper management of the EPA and the Department of the Interior together by facilitating an agreement and sponsoring legislation that would ease fear of liability and allow the EPA to finally begin cleanup of mine waste on tribal lands. Since then, there has been more mine waste cleaned up at Tar Creek than in the previous 30 years

combined.

More than once in the article the author states that the Quapaw tribe has been “contracted” to perform cleanup at Tar Creek. This represents a fundamental misunderstanding of the facts and the nature of tribal sovereignty. Under the Superfund law, Indian tribes have the same status as states where Superfund sites are concerned. The EPA cleanup funds that the Quapaw tribe’s Environmental Office receives to clean up mine waste on tribal lands are channeled through an inter-agency cooperative agreement — a funding method identical to EPA funding provided to state agencies that participate in Superfund cleanups.

This method of cleanup funding has significant advantages over “contracting” out Superfund cleanup work. By funding a tribe or state agency to perform the work themselves, it allows work to be performed by local entities that know the communities in which they work, not to mention the lower costs that result from avoiding the usual markups of multilayered contractors.

This local control and funding of the cleanups at Superfund sites is consistent with Pruitt’s change in the focus of the Superfund program nationwide.

It should be noted that Tar Creek is the first Superfund site in the nation where an Indian tribe has been given the lead by the EPA in site cleanup. It may be news to Malcom Burnley, but the Quapaw tribe has scientists and engineers on staff to provide technical oversight and the tribe has a construction division with heavy equipment and numerous tribal employees with construction and earth moving equipment and experience. These enhancements were a direct result of tribal leaders, the EPA and Sen. Inhofe and his staff working together for over a decade to ensure that the tribe had the capacity and ability to perform this work.

It is reasonable to expect that the tribe, the most adversely affected stakeholder at Tar Creek, should benefit from the cleanup of its own lands. Accordingly, the Quapaw tribe has cleaned up more waste and returned more acres to productive use since 2013, than was cleaned up in the previous 30 years at Tar Creek.

The article states that “(a)s EPA administrator, he (Scott Pruitt) has assumed full responsibility for the still-faltering cleanup.” As I pointed out above, the cleanup is far from “faltering,” and in fact the state of Oklahoma — seeing how the tribe has achieved unprecedented progress in the cleanup at Tar Creek — has entered into its own inter-agency agreement with the Quapaw tribe to perform cleanup of contaminated nontribal land.

This state/tribe agreement is another nationwide first at a Superfund site. Not surprisingly, after Pruitt sent his senior staff to visit Tar Creek this past summer and report back to him, they reported that because of the tribe’s more than adequate capacity to perform the work at a lower cost, and because of the tribe’s longstanding relationships with landowners and the local communities, the current remediation work at Tar Creek should be a model for bringing new approaches to large legacy Superfund sites.

Most of the article derides the Lead Impacted Communities Relocation Assistance Trust for alleged mismanagement of the relocation of residents of the Tar Creek area. Although I am not familiar with all of the inner workings of the LICRAT or the nature and validity of all of the grievances of the relocated residents, I do know that all of the residents have been removed from the hazards of the inevitable mine cave-ins that occur at the site on a regular basis.

Members of the LICRAT have also endeavored to see that the tribe ultimately receives the land that was purchased so that the tribe can ensure that the land is remediated and eventually converted into some form that can be safely used as a part of its land base.

It should also be noted that many residents living in the Tar Creek area were living on Quapaw tribal land, and in many cases, did not know it because the BIA had not been collecting rent for decades as it was required to. This resulted in some of the residents’ evident resentment toward the LICRAT’s proposed buyout offers.

After decades of exploitation, environmental devastation, mismanagement of natural resources and broken promises, the Quapaw tribe, with the help of Sen. Inhofe, Pruitt and the EPA, and the state of Oklahoma, has taken a leadership role at the Tar Creek site. With all due respect to the former residents of the Tar Creek area and Politico, the real story at Tar Creek is this: The members of an Indian tribe were promised land as a place to be Quapaw. Now they are taking it back one truckful of mine waste at a time.

John Berrey is the chairman of the Quapaw Tribe of Oklahoma.

## MissouriNet

<https://www.missourinet.com/2017/12/19/missouri-lawmakers-differ-on-fixing-st-louis-area-landfill-before-epa-head-decides/>

### **Missouri Lawmakers Differ on Fixing St. Louis Area Landfill before EPA Head Decides**

By: Jason Taylor, 12/19/17

There are competing ideas among Missouri lawmakers for cleaning up the West Lake Landfill Superfund Site west of St. Louis.

Environmental Protection Agency (EPA) administrator Scott Pruitt said earlier this month that the government's taken too long to address the issues while declaring that a decision would be announced in January.

"There's proposals that I'm looking at this month to make a decision on West Lake. It's a very important issue to the people of St. Louis," says Pruitt.

Back in May, bipartisan legislation was introduced by Missouri members of Congress to transfer management of the site from the EPA to the Army Corp of Engineers.

Republican Roy Blunt and Democrat Claire McCaskill teamed up on a measure in the Senate, while GOP member Ann Wagner and Democrat William Lacy Clay, both St. Louis area Congress members, file a companion bill in the House.

In October, Republican state Senator Mike Kehoe of Jefferson City sent a letter to the EPA's regional office in Kansas City, asking the agency to follow its own 2008 recommendation to physically cap and isolate the material at the landfill forever.

Kehoe said in his letter that there continues to be no evidence of health risks to individuals living or working near the West Lake site, and that excavating the waste would present unintended hazards.

17 other Republican State Senators signed onto Kehoe's letter, which claims excavation and transportation of waste would create unnecessary exposure and public safety risks on roadways and railways.

The correspondence also points out there's concern among wildlife and aviation experts that excavation would lead to the risk of bird strikes to aircraft approaching and leaving St. Louis' Lambert Airport.

Kehoe's letter expressed sympathy to those who worry their health may have been compromised by the legacy of the Manhattan Project, a World War II nuclear bomb development program which led to the dumping of contaminated waste at the West Lake site in the 1970's.

An underground fire at the nearby Bridgeton Landfill, which has been burning since at least 2010, is making its way toward the radioactive material at West Lake.



While Kehoe's letter dismisses the existence of health risks at West Lake, it states that circumstances at nearby Coldwater Creek have been found to be wholly different.

Kim Visintine of the Coldwater Creek group told MissouriNet earlier this month people living in that area have reported a list of health battles, including cancer, autoimmune disease, some cannot have children and some children born with deformities.

EPA head Pruitt told a U.S. House committee in early December that he'll release a decision next month on what will be done at West Lake Landfill. The site will either be capped, as Kehoe and the group of Republican State Senators want, or it will be excavated.

Meanwhile, Democratic State Senator Maria Chappelle-Nadal of University City refiled the same measure she put forth last session to assist homeowners in contaminated areas.

Under the plan, if a federal or state environmental or state health agency determined a home to be uninhabitable due to contamination from certain radiation, the owner would be eligible to sell the home for fair market value through the Missouri contaminated home acquisition program administered by the state Department of Natural Resources.

Chappelle-Nadal's bill calls for up to \$12.5 million to be dedicated to achieving the goal.

## Politico

<https://www.politico.com/story/2017/12/19/senate-white-house-trump-lay-groundwork-for-daca-deal-306298>

### **Senators, White House Lay Groundwork for Dreamers Deal**

By: Seung Min Kim, Heather Caygle and Elana Schor, 12/19/17

Top senators and White House officials are laying the groundwork for a major immigration deal in January to resolve the fate of young undocumented immigrants whose legal protections were put in limbo by President Donald Trump.

At a Tuesday afternoon meeting with nearly a dozen senators deeply involved in immigration policy, White House chief of staff John Kelly pledged that the administration will soon present a list of border security and other policy changes it wants as part of a broader deal on so-called Dreamers, according to people who attended the meeting. The plan could come in a matter of days, senators said.

About a half-dozen senators have been negotiating a bipartisan package prompted by Trump's decision to kill the Deferred Action for Childhood Arrivals program, an Obama-era executive action that granted work permits to nearly 800,000 undocumented immigrants who came here as minors. Yet the senators could not fully flesh out a deal before they knew what Trump was willing to sign.

"We couldn't finish this product, this bill, until we knew where the administration was," Sen. Jeff Flake (R-Ariz.), who has been negotiating a DACA compromise for weeks, said in an interview after the meeting with Kelly. "And that's why this meeting was so important."

Congressional Republicans and the White House have long said any DACA deal would need to be paired with security and other enforcement measures. Democrats say that's fine as long as the provisions weren't too onerous. But the border security question has been a sticking point for weeks, as senators swapped proposals without cutting a deal, so far.

And while liberal Democrats and grass-roots activists are pressuring Congress to enact permanent legal protections for Dreamers this year, both Democrats and Republicans at the meeting with Kelly said there was a consensus that legislation wouldn't pass before lawmakers leave Washington. It was one of the clearest sign yet that a Dreamers agreement won't, to the chagrin of liberals, come before 2018.

"Our belief is that if this matter is not resolved this week — and it's not likely to be resolved — that come the omnibus and the caps, that we have another chance to finally come up with a bipartisan package of things to include" by mid-January, said Sen. Dick Durbin (D-Ill.), who also attended the meeting. "The closer we get [to the March deadline], the more nervous I get, not to mention the way these young people feel. I'm sorry that it's taken this long."

Flake said he believes he has a commitment from Senate Majority Leader Mitch McConnell (R-Ky.) to hold a cloture vote on the floor on an immigration deal by mid-January, before the next likely deadline to fund the government, Jan. 19.

A spokesman for McConnell did not immediately return a request for comment. But the majority leader said during a Fox News interview that he has talked about the immigration issue with his counterpart, Senate Minority Leader Chuck Schumer of New York.

"No, we'll not be doing DACA ... this week," McConnell said. "That's a matter to be discussed next year. The president has given us until March to address that issue. We have plenty of time to do it."

At the Tuesday meeting, Kelly and other administration officials went into detail about how much of the southern border is currently fenced and how much more the White House would want in exchange for a DACA deal, according to people who attended.

Senators also pressed the White House on other immigration demands, such as an overhaul of the nation's asylum system or a change in policy toward unaccompanied minors who are apprehended at the southern border, and whether they needed to be included in the current DACA talks.

"Which of those policy items, or immigration law changes, do we need to make as part of this and what can wait for something else?" Flake said, summing up the questions from senators. "There's a lot of nice things we need to do as part of broader comprehensive reform, but we need to have a bill in January and we need to know what has to be in it and what the administration will support."

The bipartisan group of senators — Flake and Durbin, Michael Bennet (D-Colo.), James Lankford (R-Okla.), Thom Tillis (R-N.C.), Lindsey Graham (R-S.C.) and Cory Gardner (R-Colo.) — has discussed a legalization plan that would marry the DREAM Act, drafted by Durbin and Graham, with a more conservative proposal for Dreamers written by Tillis and Lankford, Flake said.

Those seven senators attended Tuesday's meeting with Kelly, as did Senate Majority Whip John Cornyn (R-Texas), and Republican Sens. Tom Cotton of Arkansas and David Perdue of Georgia.

"I think what we're trying to do is to get some clarity from the administration on what they require by way of border security and other enforcement measures," Cornyn said as he left the meeting. "We got a promise to provide it to us and hopefully we'll get that in short order. Maybe even this week."

Republicans' commitment to taking up a DACA deal next month won't spare Democrats the fury of liberal groups that have demanded that any spending bill this year include a solution for Dreamers.

Democratic leaders have signaled that they won't risk a government shutdown this month to secure relief for the Dreamers, though some lawmakers have vowed to withhold their votes for any must-pass funding measure without an immigration fix.

Durbin, the influential second-ranking Senate Democrat, is firmly in the camp of senators who won't vote for a spending bill without help for Dreamers. That group also includes liberal Sens. Bernie Sanders (I-Vt.), Kamala Harris (D-Calif.), Kirsten Gillibrand (D-N.Y.), and Elizabeth Warren (D-Mass.).

Durbin was asked by reporters Tuesday if there was a divide between him and Schumer over where to draw the line on the issue, and acknowledged that there "may be."

Schumer, for his part, put Republicans on notice Tuesday that they shouldn't count on Democratic votes for a short-term funding package that includes just some of Democrats' priorities — such as children's health insurance — while leaving immigration for next year.

In the House, lawmakers, including several in the Congressional Hispanic Caucus, privately say they don't see a path to secure a legislative fix for Dreamers before the end of the year. They acknowledge that the sides are now positioning themselves for a fight in January.

House Minority Leader Nancy Pelosi (D-Calif.) touched on dynamics during a private leadership meeting Monday night.

"We need to stick [together] and show that they need us," said one Democratic member with knowledge of the strategy going into January. Republicans "are not going to be able to keep going on with the CRs. ... Then we're at an inflection point in January."

That hasn't stopped some members from making a last-ditch effort to reach a bipartisan agreement, in hopes Democrats can use it as leverage in the House if Republicans need their votes to pass a short-term funding bill later this week.

"I believe that my leadership is gonna close the deal and I have to believe that," said CHC Chair Michelle Lujan Grisham (D-N.M.), noting she's canceled all Christmas travel to stay in Washington and work on a legislative fix.

Reps. Will Hurd (R-Texas) and Pete Aguilar (D-Calif.) are behind one effort that would pair a proposal similar to the DREAM Act with border security, according to several members.

And the Problem Solvers Caucus, a bipartisan group of 48 moderate Democrats and Republicans, is preparing to publicly embrace a specific proposal in the next day or two. A subset of the group has been working for weeks to hammer out an agreement and the entire caucus planned to meet again Tuesday night.

"There's certainly scenarios where this could get done this week. I'm not an expert on how all these pieces could unfold," said Rep. Josh Gottheimer (D-N.J.), a co-chairman of the group. "But everything is clearly on the table, which is why we think it's important we move and move quickly here."

## Bloomberg

<https://www.bloomberg.com/news/articles/2017-12-20/christmas-comes-early-for-trump-with-tax-win>

### **Christmas Comes Early for Trump with Tax Win**

By: Kathleen Hunter, 12/20/17

After a year of infighting, frustration and failure, President Donald Trump and his Republicans finally have something to celebrate.

The Senate early this morning passed the largest U.S. tax overhaul in more than three decades with barely a vote to spare, bringing Trump to the brink of his first big legislative win. One more (likely routine) vote in the House and the bill could be on his desk as soon as this afternoon.

The legislation - passed before Christmas, as Trump urged just two months earlier - quiets questions about the fractious

party's ability to govern. The measure's repeal of the Obamacare insurance mandate also helps salve the wounds from Republican struggles to repeal the broader law earlier this year.

But the celebration may be short-lived. Congress must quickly pass a spending bill by Friday to avoid a holiday government shutdown.

The new year will bring more spending showdowns, Russia probe revelations and a midterm election in which the Democrats are increasingly favored to take back at least one house of Congress. The tax bill, with most of its benefits going to corporations and the rich, will provide ample fodder for the campaigns ahead.

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Senator Tim Scott, a Republican from South Carolina, center, speaks during a news conference with Senate Republicans

Yahoo!

<https://www.yahoo.com/news/congress-discloses-3-more-sexual-211917622.html>

### **Congress Discloses 3 More Sexual-Harassment Settlements**

By: Lisa Ryan, 12/19/17

The Office of Compliance of the U.S. House of Representatives revealed on Tuesday three additional sexual-harassment settlements it paid out, totaling \$115,000, the Hill reports. The disclosure comes just one month after the Washington Post revealed the Office paid more than \$17 million since 1997 to settle 264 workplace complaints (including harassment allegations).

According to the Hill, the three payments were made between fiscal years 2008 through 2012. Yet, the disclosure doesn't include any information about the recipients of the settlements, or from which offices the complaints originated.

Representative Gregg Harper, the chair of the House Administration Committee, released a statement, saying that his group had asked for a breakdown of the \$17 million total amount paid to settle the aforementioned complaints. Harper added that the committee still hasn't received all of the requested information.

"We must create a culture within our Capitol Hill community that instills in every employee and employer, new and old, that there is no place for sexual harassment in the halls of Congress," Harper said.

However, on Monday, the Senate's Office of Compliance rejected a bid by Senator Tim Kaine to release information about that chamber's sexual-harassment settlements, claiming it would violate confidentiality rules. "The [Office of Compliance] shares your concern over the issue of sexual harassment in Congressional workplaces, and we stand ready to work with Members, Committees, and other employing offices to promote awareness and prevention of this problem," the office wrote in a letter, per the Hill.

The Oklahoman

<https://www.oklahoman.com/oklahoma-incentive-review-shows-flaws-of-political-planning/article/5576567>

### **Incentive Review Shows Value of Tax Simplicity**

By: Editorial Board, 12/20/17

THIS year, the state's Incentive Evaluation Commission reviewed 12 state economic tax incentives and ultimately voted

to repeal five. Revenue increases associated with those repeal votes will be relatively minor. Instead, the biggest impact of the commission's work may be that it reinforces the fact that politicians have a poor record when it comes to identifying and nurturing job creation via targeted tax breaks.

In some instances, breaks have been designed to support companies that are producing fewer jobs than those produced by non-taxpayer supported industries. The commission found this was the case even for the Quality Jobs Act, generally considered one of the state's better business-incentive programs.

The commission's final report notes, "Industries incentivized by Quality Jobs have shown slower growth in employment and annual average pay over the last five years, compared to the State as a whole. Employment in incentivized industries contracted by 2.9 percent, while the State as a whole expanded by 2.5 percent."

The report reveals that Quality Jobs payments during the past five years "have gone to industries lagging behind State growth in employment and annual average pay." In fact, only 27 percent of payments went to establishments with growth in employment, total wages and average annual wage that exceeded state averages.

The commission reached similar conclusions regarding the Small Employer Quality Jobs program. "The industry group decreased employment over the last five years, as overall State employment expanded."

Since 1987, Oklahoma has offered a Home Office Tax Credit to insurance companies that establish home or regional home offices in Oklahoma and meet certain employment levels. The Incentive Evaluation Commission's final report notes, "The credit appears to have had little impact on the State's insurance industry employment in recent years. Insurance industry employment in Oklahoma has declined by 4.2 percent since 2001, while neighboring states, most of which do not have a similar home office incentive, have experienced growth ranging from 6 to 30 percent."

Other credits fared worse, or lacked sufficient data to even measure their worth.

Oklahoma has had a High Impact Quality Jobs program since 1994. The commission found the incentive "has never been used" and the state Department of Commerce "no longer promotes the program on its website due to lack of interest."

The debate over Oklahoma's capital gain deduction was marred by what the commission deemed a "dearth of data." The group also reported there is "insufficient data to accurately estimate or verify the total economic or tax revenue impacts of the clean-burning fuel vehicle credit."

Then there's the Ethanol Fuel Retailer Tax Credit. The commission reports, "Based on the economic and fiscal impact analysis, it appears the annual incentives offered under this program exceed the tax revenue generated by additional household spending by Oklahoma residents."

The commission's work reinforces the value of tax simplicity. Keeping tax rates low, applying them evenly across the board, and then letting market forces determine individual companies' success or failure works better than depending on politicians to somehow "guide" the process.

**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** Samuel DeMarco III  
**Sent:** Wed 11/1/2017 7:15:34 PM  
**Subject:** PG Reader: Mismanagement, conflicted leadership blamed for governance problems at PWSA

FYI - Today's paper

Mismanagement, conflicted leadership blamed for governance problems at PWSA

By: By Adam Smeltz / Pittsburgh Post-Gazette

Description: Problems — ranging from lead contamination to inaccurate bills — prompted state Auditor General Eugene DePasquale to investigate.

(Sent from PG Reader)

Link to this article:

<http://www.post-gazette.com/local/city/2017/11/01/PWSA-audit-mismanagement-conflicted-leadership-DePasquale/stories/201711010131>

Sent from my iPad

**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** Anna Palmer Jake Sherman Daniel Lippman  
**Sent:** Wed 10/18/2017 10:37:43 AM  
**Subject:** POLITICO Playbook, presented by JPMorgan Chase & Co.: SIX HOURS in the mind of POTUS -- TRUMP to widow of fallen soldier: He knew what he was signing up for -- IVANKA and JARED at Ghibellina -- POLITICO/MORNING CONSULT poll: 46% think media makes up news

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Today's POLITICO Playbook presented by JPMorgan Chase & Co.

By JAKE SHERMAN ([sherman@politico.com](mailto:sherman@politico.com); [@JakeSherman](https://twitter.com/JakeSherman)), ANNA PALMER ([anna@politico.com](mailto:anna@politico.com); [@apalmerdc](https://twitter.com/apalmerdc)) and DANIEL LIPPMAN ([daniel@politico.com](mailto:daniel@politico.com); [@dlippman](https://twitter.com/dlippman))

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## Driving the Day

**Good Wednesday morning. SIX HOURS IN THE MIND OF THE PRESIDENT ...**  
**PRESIDENT DONALD TRUMP** took several seemingly contradictory positions about the government continuing cost-sharing reduction payments for Obamacare. CSR payments help insure the poor. The president said he'd stop paying them last week.

-- **1:59 p.m.**, toward the top of his press conference with Greek Prime Minister Alexis Tsipras: "So when I knocked out the hundreds of millions of dollars a month being paid back to the insurance companies by politicians -- I must tell you -- that wanted me to continue to pay this, I said I'm not going to do it. This is money that goes to the insurance companies to line their pockets, to raise up their stock prices. And they've had a record run. They've had an incredible run, and it's not appropriate."

-- **2:10 p.m.**, in the middle of his press conference with the Greek prime minister, when asked about the White House's role in a bipartisan deal between Sens. Lamar Alexander and Patty Murray to keep paying CSR payments: **"Yes, we have been involved.** And this is a short-term deal because we think, ultimately, block grants going to the states is going to be the answer. ... Lamar has been working very, very hard with the Democratic -- his colleagues on the other side, and Patty Murray is one of them, in particular. ... The solution will be for about a year or two years, and it will get us over this intermediate hump because we have -- as you probably know, we have -- we either have the votes or we are very close to having the votes. And we will get the votes for having, really, the potential of having great healthcare in our country."

-- **7:37 p.m.**, during a speech to the Heritage Foundation: "I'm pleased the Democrats have finally responded to my call for them to take responsibility for their Obamacare disaster and work with Republicans to provide much-needed relief to the American

people. While I commend the bipartisan work done by Senators Alexander and Murray -- and I do commend it -- I continue to believe Congress must find a solution to the Obamacare mess instead of providing bailouts to insurance companies."

**IF YOU ARE A LAWMAKER**, or an observer of Washington, how do you know what the president means when he says three seemingly different things in less than six hours?

**THE REALITY ABOUT THE DEAL -- JEN HABERKORN and ADAM CANCRYN:**

**"Bipartisan Obamacare deal would need Trump lobbying muscle":** "A bipartisan deal in Congress offers a glimmer of stability for the Obamacare insurance markets. But for it to become law, each party will need to declare a victory -- and President Donald Trump will have to agree to prop up a law he just spent months trying to repeal. ... The framework, which got more immediate support from Democrats than Republicans, will need the lobbying muscle of the White House to win over skeptical Republicans in Congress. ...

**"But Trump could face another legislative disappointment** without a sustained, focused lobbying effort on Capitol Hill, where Republicans are facing a biting political calculus. They're still stinging from spending all of this year in a draining but fruitless effort to repeal and replace Obamacare -- the law that congressional Republicans have been trying to uproot for seven years. Now, they would have to decide whether the state flexibility concessions Alexander got are enough." <http://politi.co/2x44J9e>

**-- WHAT TO MAKE OF ALEXANDER-MURRAY:** It's probably not going anywhere -- at least in its current form.

**CHOOSE YOUR NEWS -- WSJ**, banner headline, A1: **"Bipartisan Health Bill Gains Steam"** <http://bit.ly/2aVNXyP> ... **WAO**, A1: **"Latest health-care effort quickly stalls"** <http://bit.ly/2zissDg> ... **NYT**: **"DEAL BY SENATORS SEEKS TO RESTORE HEALTH SUBSIDIES ... TRUMP SUPPORTS PLAN ... Bid to Stabilize Markets -- 2 Years of Aid for Poorer Patients"** <http://nyti.ms/2yylyLS>

**PRESIDENT TRUMP, 344 DAYS POST ELECTION DAY -- @realDonaldTrump at 6:21 a.m.:** "Wow, FBI confirms report that James Comey drafted letter exonerating Crooked Hillary Clinton long before investigation was complete. Many.." **at 6:27 a.m.:** "...people not interviewed, including Clinton herself. Comey stated under oath that he didn't do this-obviously a fix? Where is Justice Dept?"

**-- FLASHBACK:** July 2, 2016, WaPo: **"FBI interviews Hillary Clinton for more than 3 hours in email probe"** <http://wapo.st/2grOqzV>

**TRUMP AND THE GOLD STAR FAMILIES ...**

**-- "Politics and the fallen: Trump hasn't called all families,"** by AP's Calvin Woodward and Jonathan Lemire: "President Donald Trump has pulled bereaved military families into a painful political fight of his own making, going so far Tuesday as to cite



the death of his chief of staff's son in Afghanistan to question whether Barack Obama and other presidents did enough to honor the military dead.

**"He's boasted that 'I think I've called every family** of someone who's died,' though The Associated Press found relatives of two soldiers who died overseas during Trump's presidency who said they never received a call or a letter from him, as well as relatives of a third who did not get a call from him.

**"The White House said Trump did telephone** on Tuesday the families of four soldiers who were killed in Niger nearly two weeks ago, the issue that had spawned the controversy this week. 'He offered condolences on behalf of a grateful nation and assured them their family's extraordinary sacrifice to the country will never be forgotten,' said a White House statement.

**"Contending that Trump's propensity** for a political fight has drifted into 'sacred' territory, Democrats and some former government officials have expressed anger at his comments that he, almost alone among presidents, called the families of military members killed in war. They accused him of 'inane cruelty' and a 'sick game.'" <http://bit.ly/2x4rREA>

**-- WHAT HE SAYS WHEN HE CALLS: WPLG**, the ABC affiliate in **MIAMI: "Trump to widow of Sgt. La David Johnson: 'He knew what he signed up for'"**: "President Donald Trump told U.S. Army Sgt. La David Johnson's widow Tuesday that 'he knew what he signed up for ... but when it happens it hurts anyway,' when he died serving in northwestern Africa, according to Rep. Frederica Wilson, D-Miami Gardens.

**"'Yes, he said it,' Wilson said. 'It is so insensitive.** He should not have said that. He shouldn't have said that.' The president called about 4:45 p.m. and spoke to Johnson's pregnant widow, Myeshia Johnson, for about five minutes. She is a mother to Johnson's surviving 2-year-old son and 6-year-old daughter. The conversation happened before Johnson's remains arrived at Miami International Airport on a commercial Delta Airlines flight.

**"A top advisor later told Local 10 News** 'The president's conversations with the families of American heroes who have made the ultimate sacrifice are private.'" <http://bit.ly/2hMMAGE> ... **30-second video of Wilson talking about what the President said** <http://bit.ly/2zvnq7j>

**-- WAPO'S PHIL RUCKER and DAN LAMOTHE: "Twelve days of silence, then a swipe at Obama: How Trump handled four dead soldiers"**: "In his call with Sgt. La David T. Johnson's widow, Myeshia Johnson, Trump told her, 'He knew what was signing up for, but I guess it hurts anyway,' according to the account of Rep. Frederica S. Wilson (D-Fla.), who was riding in a limousine with Johnson when the president called and heard the conversation on speakerphone. Wilson recalled in an interview with The Washington Post that Johnson broke down in tears. 'He made her cry,' Wilson said. The congresswoman said she wanted to take the phone and 'curse him out,' but that the

Army sergeant holding the phone would not let her speak to the president."

<http://wapo.st/2x4u9nc>

\*\*\*\*\* **A message from JPMorgan Chase & Co.: 30 Years in the Waiting** It's been more than three decades since America reformed its tax system. As the world became more competitive, our tax code remained the same, putting America at a disadvantage when it comes to creating new jobs. Learn how tax reform can jump-start our economy: <http://politi.co/2gBVNBD> \*\*\*\*\*

## **TRUMP'S WHITE HOUSE ...**

-- **"Internal White House documents allege manufacturing decline increases abortions, infertility, and spousal abuse,"** by WaPo's Damian Paletta: "White House officials working on trade policy were alarmed last month when a top adviser to President Trump circulated a two-page document that alleged a weakened manufacturing sector leads to an increase in abortion, spousal abuse, divorce and infertility, two people familiar with the matter said.

**"The documents, which were obtained by The Washington Post,** were prepared and distributed by Peter Navarro, director of the White House Office of Trade and Manufacturing Policy. They were presented without any data or information to back up the assertions, and reveal some of the materials the Trump administration reviewed as it was crafting its trade policy.

**"Two administration officials confirmed** the authenticity of the documents, which have emerged as the administration has threatened to withdraw from a free trade agreement with South Korea and is taking a hard-line stance against Canada and Mexico in renegotiating the North American Free Trade Agreement."

<http://wapo.st/2ziJBwl>

-- **PUBLIC RECORDS: "National Archives warned Trump White House to preserve documents ,"** by Josh Dawsey and Bryan Bender: "National Archives officials have periodically warned White House lawyers that the Trump administration needs to follow document preservation laws, according to people familiar with the conversations and emails reviewed by POLITICO. The White House legally must preserve all presidential records, which are given to the National Archives after the president leaves office and are used for historical records. The documents that must be preserved include written memos, emails, speeches, record logs and more.

**"But National Archives officials** have told the White House counsel's office they were concerned that wasn't happening, particularly early in the administration ... Conversations have included John Laster and Gary Stern, two National Archives officials, and the White House counsel's office." <http://politi.co/2yrhw9y>

**NEW POLITICO/MORNING CONSULT POLL -- "Poll: 46 percent think media make up stories about Trump,"** by Steven Shepard: "Nearly half of voters, 46 percent,

believe the news media fabricate news stories about President Donald Trump and his administration, according to a new POLITICO/Morning Consult poll. Just 37 percent of voters think the media do not fabricate stories, the poll shows, while the remaining 17 percent are undecided.

**"More than three-quarters of Republican voters**, 76 percent, think the news media invent stories about Trump and his administration, compared with only 11 percent who don't think so. Among Democrats, one-in-five think the media make up stories, but a 65 percent majority think they do not. Forty-four percent of independent voters think the media make up stories about Trump, and 31 percent think they do not. Among the voters who strongly approve of Trump's job performance in the poll, 85 percent believe the media fabricate stories about the president and his administration."

<http://politi.co/2yv5k5i>

**FINALLY... A WIN FOR MCCONNELL -- "McCain endorses budget bill in win for GOP tax-reform effort,"** by WaPo's Elise Viebeck and Damian Paletta: "The White House's push for tax cuts made crucial progress on Tuesday as Senate Republicans rallied behind a budget proposal the party needs to pass to keep alive its hopes of enacting sharp reductions in tax rates later this year.

**"Senate Republican leaders** earned a series of much-needed victories Tuesday, first with the return of ailing Sen. Thad Cochran (R - Miss.) and later with an announcement from Sen. John McCain (R - Ariz.) that he would back the budget resolution in order to help passage of tax cuts. Senate Republicans are now hopeful they can agree on a final budget resolution later this week, which is a key procedural step to help them pass a tax cut plan later in the year without relying on support from any Democrats."

<http://wapo.st/2ziJBwl>

-- **THIS MEANS** that the budget will pass, and tax reform will proceed.

#### **ALERT -- TAX REFORM MEETINGS -- THE HOUSE WAYS AND MEANS**

**COMMITTEE** has notified its members that it is holding two more extended policy discussions on tax reform next Tuesday from 10 a.m. to 1 p.m. and Wednesday from 9 a.m. to 1 p.m., according to a GOP aide. Committee members are now "meeting regularly and in great detail now to make final decisions in the lead up to the release of the text."

-- **TAX SLIPPING TO 2018: MICK MULVANEY** to Bloomberg's Kevin Cirilli: "There's still a chance it gets done this year but more likely it goes over into the beginning of next year. We need this reform, we need this tax package sooner, rather than later ... The longer we wait to get tax reform, the longer the benefits take to kick in."

<https://bloom.bg/2yrTKKV>

-- **Club for Growth released its first batch of TV and digital ads** targeting Democrats to urge them to support tax reform in an initial \$600,000 buy. Two 15-second TV ads will begin airing today in the St. Louis media market. ***The ads -- "Tax Code Struggle"***

<http://bit.ly/2ywyG57> ... **"Managing Small Business"** <http://bit.ly/2ySoYve>

**WHAT THEY'RE READING ON MASSACHUSETTS AVE, N.E. -- "Heritage Foundation considers top White House aide, Cubs co-owner as next leader,"** by WaPo's Bob Costa, Ashley Parker and John Wagner: "The Heritage Foundation has narrowed its search for a new president down to a shortlist of finalists, a group that includes Todd Ricketts, a co-owner of the Chicago Cubs, and Marc Short, a senior Trump White House official, according to three people familiar with the discussions.

**"In addition to Ricketts and Short,** Heritage's board of trustees also has expressed interest in Lisa B. Nelson, the chief executive of the American Legislative Exchange Council, and David Trulio, a vice president at Lockheed Martin ... The conservative think tank's trustees, however, remain torn over their decision.

**"Kay Coles James --** a Heritage board member who served as the director of the U.S. Office of Personnel Management under President George W. Bush and is close to Heritage founder Edwin J. Feulner -- has been mentioned by several associates as someone who could serve in a temporary capacity if the board cannot settle on a candidate." <http://wapo.st/2xPBVWw>

**-- IT'S HARD TO SEE** why Marc Short would take this job. Republicans we talk to in the White House and on the Hill say he's ascendant in the Trump administration.

**THE BANNON BEAT -- "Bannon hits up GOP mega-donors exasperated with McConnell:** The Breitbart chief barnstorms the country in search of cash to fund his project to primary Republican senators," by Alex Isenstadt: "Over the last several weeks, Bannon has crisscrossed the country meeting with dozens of the party's biggest contributors -- all in the hopes of capitalizing on their anger at McConnell. The populist bomb-thrower wants donors to bankroll primary challenges against Republican incumbents, or short of that, to close their wallets to McConnell-aligned causes.

**"Bannon has gone to New York City** to talk with venture capitalist John Childs, who plowed nearly \$400,000 into McConnell's 2014 reelection. In Colorado, he huddled with Gore-Tex heiress Susan Gore, a major backer of libertarian causes. And Bannon met with casino mogul Sheldon Adelson, the GOP's most prominent donor, for several hours when he swung through Washington this month." <http://politi.co/2xOUMku>

**--"Bannon's army includes candidates backed by the GOP establishment:** The former White House strategist has declared war on Mitch McConnell but is endorsing candidates who have also accepted help from the Republican apparatus," by Annie Karni: "Matt Rosendale, the Montana state auditor running for U.S. Senate, recently received the endorsement du jour in Republican politics: Steve Bannon plucked him for the slate of candidates he is backing as part of his war on the GOP establishment. ...

**"Bannon's interest in Rosendale --** as well as many of the other candidates on his dance card -- also has some Washington GOP power brokers confused by his definition

of 'anti-establishment.' For months, the [NRSC] has been media training Rosendale ... In addition to any help he gets from Bannon, Rosendale is a client of the consulting firm On Message, one of the most 'establishment' consulting firms in Washington."

<http://politi.co/2x4qJYa>

**TRUMP'S WEDNESDAY** -- Trump is scheduled to speak via phone with the Iowa Gov. Kim Reynolds. He is also meeting with the Senate Finance Committee and will have lunch with VP Mike Pence.

**FOR YOUR RADAR -- "N.F.L. Owners Won't Penalize Players for Kneeling During Anthem,"** by NYT's Ken Belson and Kevin Draper: "The N.F.L. for now will continue to let players kneel or sit during the national anthem without a penalty, capitulating to demands by the athletes for free expression but potentially further alienating fans who object to the protests and feel they are disrespectful to the flag and the military.

**"But, after a meeting Tuesday with union representatives and players,** the league did promise to help support some of the causes targeted by the protesting players, including reform of the criminal justice system." <http://nyti.ms/2ySrp0Q>

**THE JUICE ...**

-- **SPOTTED at GHIBELLINA:** Ivanka and Jared dining solo Tuesday night.

-- **MCCLATCHY'S ANITA KUMAR:** "The Republican National Committee raised more than \$100 million in the first nine months of 2017, marking the first time it has raised that much, that fast, in a non-presidential election year." <http://bit.ly/2yxexw8>

**MONEY IN YOUR EARS** -- POLITICO's new Money podcast brings you to the intersection of Washington and Wall Street with the most influential minds on the economy. Every Wednesday, Ben White will help you understand the economic and financial policies that move markets. While money never sleeps, you have to - so let Ben keep you up to speed and turn dollars into sense. The first POLITICO Money podcast, premiering with our launch sponsor, Morgan Stanley, features Treasury Secretary Steven Mnuchin. **Subscribe here** <http://politi.co/2gmJTit>

## Playbook Reads

**PHOTO DU JOUR:** Greek Prime Minister Alexis Tsipras and President Donald Trump hold a joint press conference in the Rose Garden at the White House on Oct. 17. | Drew Angerer/Getty Images

**THE BATTLEFIELD** -- **"Navy SEALs Were Ready if Pakistan Failed to Free Family Held as Hostages,"** by NYT's Adam Goldman and Eric Schmitt: "A C.I.A. drone was

circling a remote valley in northwest Pakistan last month when it picked up an unusual sight: a young woman and children in a militant camp. To intelligence analysts, she appeared to be an American abducted five years earlier while backpacking in Afghanistan with her Canadian husband. The grainy images were a breakthrough. Military planners mobilized members of the Navy's SEAL Team 6, an elite group of commandos, to mount a rescue ...

**"But the operation was called off** amid concerns, and days later, the C.I.A. watched in alarm as militants drove the family out of the camp and across Pakistan's lawless tribal lands. The top American diplomat in Pakistan, Ambassador David Hale, turned to his host country ... delivering an urgent message to the Pakistani government: Resolve this, or the United States will. The implication was clear. If the Pakistanis did not act decisively, the United States would set aside its unease and launch a raid deep inside the country to free the family." <http://nyti.ms/2yuzi9t>

## **ON RUSSIA ...**

-- **"Spicer interviewed by Mueller's team,"** by Annie Karni and Josh Dawsey: "President Donald Trump's former press secretary Sean Spicer met with special counsel Robert Mueller's team on Monday for an interview that lasted much of the day, according to multiple people familiar with the meeting. During his sitdown, Spicer was grilled about the firing of former FBI director James Comey and his statements regarding the firing, as well as about Trump's meetings with Russians officials including one with Foreign Minister Sergei Lavrov in the Oval Office ... Spicer declined to comment." <http://politi.co/2yxKULb>

-- **"Judge tosses libel lawsuit against AP by Russian oligarch tied to Manafort,"** by Josh Gerstein: "A federal judge has tossed out a libel lawsuit filed against The Associated Press by a Russian oligarch whose business dealings with former Trump campaign chairman Paul Manafort have come under scrutiny by investigators probing Russian influence in the 2016 presidential election. Russian industrialist and investor Oleg Deripaska sued the AP in May, alleging that the news outlet falsely implied that Deripaska was paying Manafort for work aimed at advancing the goals of the Russian government and Russian president Vladimir Putin." <http://politi.co/2ywnJiW>

-- **"Putin's 'chef,' the man behind the troll factory,"** by CNN's Tim Lister, Jim Sciutto, and Mary Ilyushina: "Yevgeny Prigozhin is a Russian oligarch dubbed 'chef' to President Vladimir Putin by the Russian press. ... U.S. investigators believe it was Prigozhin's company that financed a Russian 'troll factory' that used social media to spread fake news during the 2016 U.S. presidential campaign ... One part of the factory had a particularly intriguing name and mission: a 'Department of Provocations' dedicated to sowing fake news and social divisions in the West ... Prigozhin is one of the Kremlin's inner circle. His company is believed to be a main backer of the St. Petersburg-based 'Internet Research Agency' (IRA), a secretive technology firm." <http://cnn.it/2yw4yqh>

-- **VANITY FAIR'S GABE SHERMAN: "JARED KUSHNER ADDS CHARLES**

**HARDER TO LEGAL TEAM AS WEST WING PRESSURE MOUNTS**": "On Monday evening I was contacted by Charles Harder in his capacity as a legal representative for Kushner. ... (Harder, who has represented Hulk Hogan and Melania Trump, recently severed ties with another client, Harvey Weinstein.)" <http://bit.ly/2x56Olt>

**NYT'S MAGGIE HABERMAN: "Bipartisan Group Plans to Urge Trump to Adjust Policing Policies"**: "A broad coalition of law enforcement officials and activists is expected to urge President Trump on Wednesday to adjust policies on policing and criminality, the first time such a group has spoken out against the Trump administration. Some of the nation's most prominent prosecutors, police chiefs and criminal justice overhaul advocates -- including Senator Thom Tillis, Republican of North Carolina, as well as representatives from the conservative Koch brothers network -- will gather in Washington for the National Law Enforcement Summit. The former attorney general Eric H. Holder Jr. and Sally Q. Yates, the acting attorney general whom Mr. Trump abruptly fired in the first few days of his presidency, will speak." <http://nyti.ms/2zwVKP>

**TRUMP ADMINISTRATION DEPARTURE LOUNGE** -- CNN's Tal Kopan: "Department of Homeland Security press secretary David Lapan, the voice of the department and a longtime colleague of White House chief of staff John Kelly, is leaving the Trump administration ... Lapan [will be] joining the Bipartisan Policy Center as senior director of communications and public affairs at the end of the month." <http://cnn.it/2gPpPly>

\*\*\*\*\* **A message from JPMorgan Chase & Co.: Keeping Jobs at Home** America is falling behind when it comes to a tax system that helps spur job growth and expand economic opportunity. A 2017 EY report found that the existing tax structure has put job creators here at home at a disadvantage: updating the outdated tax system could have kept nearly 4,700 companies in the United States. That could mean more products made here in America, more parts sourced from American companies and billions of dollars spent here at home. As JPMorgan Chase Chairman and CEO Jamie Dimon put it, "Reforming the tax code is the single most important thing that Congress could do to jump-start our economy, create jobs, and raise wages for American workers." Learn more: <http://politi.co/2wSCuu0> \*\*\*\*\*

**TRUMP INC. -- "The Miami Heat will move its charity golf tournament away from President Trump's course,"** by WaPo's Dave Fahrenthold: "The Miami Heat basketball team, which has held a charity golf tournament at President Trump's Doral golf course for four straight years, will shift that tournament to another course in 2018, a team spokesman said. The spokesman declined to give a reason for the change. 'We're not getting into it,' the spokesman said. He declined to be quoted by name. The Heat has held the tournament -- called the Heat Scramble or the Heat Golf Classic -- at Trump's Doral golf resort, outside Miami, every year since at least 2014." <http://wapo.st/2ghAMfb>

**PUERTO RICO -- "Warren to call for the cancellation of Puerto Rico's debt,"** by Colin Wilhelm: "Puerto Rico is facing a full-scale humanitarian crisis, and every last dollar of aid must go to helping the hurricane victims,' Warren said in a statement

emailed to POLITICO. 'We have an obligation to put the lives of U.S. citizens ahead of Wall Street profits - it's as simple as that. Wall Street vulture funds should not get a single penny more from the devastated island.' Warren's office did not elaborate on how she would propose to eliminate Puerto Rico's massive debt."

**HOLLYWOODLAND -- "The Other Brother: Bob Weinstein Was an Abusive Boss,"** by WSJ's Alexandra Berzon and Ben Fritz: "Over the years, movie producer Bob Weinstein has belittled and bullied employees, shoved an executive's spouse and pressured a subordinate to date him, people who worked for him said. Bob Weinstein hasn't been accused of the kind of severe sexual misconduct that led to the ouster of his brother, Harvey ... Instead ... he was a volatile executive whose behavior, which went on for years at his companies, wouldn't be tolerated in most American corporations. Jeffrey Katzenberg, who ran Walt Disney Co.'s movie studio for some of the time it owned the brothers' former studio Miramax, said it was Bob Weinstein who caused problems for Disney executives." <http://on.wsj.com/2yqnszJ>

**MEDIAWATCH -- FUTURE OF NEWS - "New York Times' Breakthrough 'The Daily' Soars Past 100M Download Mark,"** by Ken Doctor on The Street: "'The Daily' is becoming a phenomenon, an out-of-the-blue hit that is forcing print-based business leaders to think anew about the revolutionary power of digital audio. Further, as the leading edge of The New York Times' now dozen-strong audio unit, it may provide a growing line of revenue still badly required to overcome print ad loss. ... [W]eekday daily downloads [have been] growing 34% since June. ... Able to obtain ad rates equaling video ad sales, the Times now plans to build a 'franchise' around The Daily's success." <http://bit.ly/2ywvNRS>

-- **Laura Barrón-López** is joining the Washington Examiner as a political reporter. She previously covered Congress for the Huffington Post and is an alum of The Hill.

## Playbookers

**SPOTTED:** Former Speaker John Boehner at Nobu in West End ... Sen. Dick Durbin (D-Ill.) walking alone last night into Boxcar Tavern in Eastern Market and immediately heading to the back of the restaurant -- Sen. Heidi Heitkamp (D-N.D.) and Sen. Angus King (I-Maine) later joined him. ... Sen. Ron Johnson (R-Wis.) meeting with DHS nominee Kirstjen Nielsen Tuesday afternoon -- **pic** <http://bit.ly/2zwY3SI> ... Jeff Roe and Sam Nunberg last night at the Yankees-Astros game -- **pic** <http://bit.ly/2yw0iqV>

**OUT AND ABOUT - Pool report:** "French Ambassador Gérard Araud hosted a reception to celebrate 'The Michelin Guide 2018' for Washington, D.C., Tuesday evening at his residence. Guests toasted the restaurant scene in D.C., including the 11 one-star and three two-star (out of only 25 in the U.S.) restaurants included this year. A special shout out was given to José Andrés, who was in Puerto Rico serving meals to those recovering from the hurricane." **The list** <http://bit.ly/2yTyZlk> ... **\$8.90 on Amazon**



<http://amzn.to/2gNLdrq1>

**SPOTTED:** Sen. Sheldon Whitehouse (D-R.I.), Sen. Mark Warner (D-Va.), Secretary Wilbur Ross, Douglas and Heidi Rediker, Gwen and Stuart Holliday, Ashley and Ben Chang, Jonathan Karl, UAE Ambassador Yousef Al Otaiba, Jordanian Ambassador Dina Kavar, Andrea Mitchell, Bret and Amy Baier, Steve Clemons, Margaret Carlson, Juleanna Glover, Lyndon Booser, Kate Bennett, Mark Landler, Arturo Sarukhán, Tony Podesta, Marie Royce, Kathleen Biden, Jane Harman, Pamela Brown, Richard Chalkey, Eleanor Clift, Virginia Coyne, Ambassador Paula Dobriansky, Susan Eisenhower, Tammy Haddad, Bart Gordon, Tamera Luzzatto, David Leiter, Trevor Potter, Barbara Slavin, Elizabeth Thorp.

**WELCOME TO THE WORLD -- Josh Sharp**, co-founder of Advoc8 and an RNC alum, and **Melissa Sharp**, senior media planner at National Media and an NRSC alum, on Tuesday welcomed Jacob Alexander "Jake" Sharp, weighing 7 lbs 6 oz and measuring 20 inches long. "Their Election Day due date turned into an 'October surprise.' Mom and baby are healthy and well." **Pic** <http://politi.co/2xOv0Ne>

**BIRTHDAY OF THE DAY: Caitlin Conant**, executive director of communications at CBS News and a Portman/Rubio alum, celebrating with Alex at Bourbon Steak. **A fun fact about Caitlin:** "I'm one of the few townies. I grew up in Gaithersburg and am a Georgetown Visitation alum (Politico's own Lisa Leonard is one of my best friends from the class of '04). You can still find many of this rare breed at Town Hall for football Sunday afternoons, which I try to join after I wrap up work for 'Face the Nation.'" **Read her Playbook Plus Q&A:** <http://politi.co/2gOJ1zT>

**BIRTHDAYS:** Annie LeHardy, a White House press aide, is 25. She's celebrating at a happy hour with friends ... Julia Ioffe ... Politico's Annie Karni and Margaret Stewart ... Steven Greenhouse ... Michael Krempasky, partner at Brunswick Group ... Rep. Dennis Ross (R-Fla.) is 58 (h/t J.P. Freire) ... Rep. Brenda Lawrence (D-Mich.) is 63 ... Makeese Motley ... Daniel Scarvalone of Bully Pulpit Interactive ... Colorado State Rep. Dan Pabon is 4-0 ... Jan Simmons ... Troy Appel ... Joshua Sinai ... Babs Chase, VP of civic engagement at JPMorgan Chase ... Bill Evers, research fellow at the Hoover Institution ... Colleen Sullivan ... Valeria Boucas ... Katherine Lyons Hahn ... Kiki Reginato of Hearst Digital Media ... Amazon's Theresa Lepow ... Amanda Robinson ... Rachael Parry ... Jake Loft, client services associate for Targeted Victory (h/ts Lenny Alcivar and Logan Dobson) ... DOT's Marianne McInerney (h/t Rick Ahearn) ...

... **Fox News' Jon Decker**, celebrating by watching Chris Rock perform at the MGM ... Marion Smith, executive director of Victims of Communism Memorial Foundation ... Jonathan Tasini ... Trisch Smith, EVP and group head at Edelman in D.C. ... Bloomberg's Cas Holloway ... Sarah Cannon ... Steve Whitmer ... Flavia Colgan ... Karen Smith Murphy ... Martha Burk ... Richard Lobo ... former Rep. Chris Shays (R-Conn.) is 72 ... former Sen. Jim Talent (R-Mo.) is 61 ... Mason Wiggins ... Bristol Palin is 27 ... Anne Summers (h/t Teresa Vilmain)

\*\*\*\*\* **A message from JPMorgan Chase & Co.: Investing in America** The American economy powers the world, but our tax system is holding us back. A 2017 EY report found that reforming the tax system could have brought an additional \$195 billion of foreign direct investment into the United States, an increase of 14 percent. That investment can help companies expand, explore new strategies and grow. What does that mean for America? It can help jumpstart our economy, make our country stronger in an increasingly competitive world, and can mean more jobs and higher wages for the American workers. Learn more about what tax reform can mean for our country: <http://politi.co/2ghszvf> \*\*\*\*\*

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**From:** POLITICO Pro  
**Sent:** Wed 6/6/2018 5:41:47 AM  
**Subject:** POLITICO Pro Breaking News: Rosendale wins GOP nod to face Tester

State Auditor Matt Rosendale has won the Montana Republican Senate primary and will face Democratic Sen. Jon Tester in the general election.

Rosendale had 34 percent of the vote to former judge Russ Fagg's 29 percent when the Associated Press called the primary with 54 percent of precincts reporting. Veteran Troy Downing was in third place with 19 percent.

The closely watched Senate contest is one of five featuring a Democratic senator in a state President Donald Trump carried by double digits in 2016.

See live results [here](#).

**To change your alert settings, please go to <https://subscriber.politicopro.com/settings>**

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This email was sent to bennett.tate@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

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**To:** 2017HQfirstassistants[2017HQfirstassistants@epa.gov];  
2017Regionfirstassistants[2017Regionfirstassistants@epa.gov]; Dravis,  
Samantha[dravis.samantha@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Brown,  
Byron[brown.byron@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Lyons, Troy[lyons.troy@epa.gov];  
Flynn, Mike[Flynn.Mike@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Knapp,  
Kristien[Knapp.Kristien@epa.gov]; Threet, Derek[Threet.Derek@epa.gov]; Burden,  
Susan[Burden.Susan@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Grantham,  
Nancy[Grantham.Nancy@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Hupp,  
Millan[hupp.millan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Fonseca,  
Silvina[Fonseca.Silvina@epa.gov]; Allen, Reginald[Allen.Reginald@epa.gov]; Reeder,  
John[Reeder.John@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Darwin,  
Henry[darwin.henry@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; Kelly,  
Albert[kelly.albert@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Bolen,  
Brittany[bolen.brittany@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]  
**From:** Knapp, Kristien  
**Sent:** Fri 7/21/2017 9:12:21 PM  
**Subject:** Weekly Report - July 21, 2017  
EPA Weekly Report July 21 2017.docx

Good afternoon,

Attached is the weekly report for July 21, 2017.

Thanks,

Kristien

Kristien Knapp

Special Assistant (OAR, OITA, OGC, OP)

Office of the Administrator

Ex. 6 - Personal Privacy

# **Ex. 5 - Deliberative Process**

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## Ex. 5 - Deliberative Process

### **Tar Creek, Picher, Oklahoma**

Field sampling will be conducted the week of July 24, 2017, and will continue into August 2017. Samples collection will fill data gaps related to characterization of sediment and surface water within the Tristate area. This field event is being accomplished through joint coordination with Region 7, 3 states (Oklahoma, Missouri, Kansas), eight Tribes (Quapaw, Peoria, Ottawa, Miami, Eastern Shawnee, Wyandotte, Seneca-Cayuga, and Cherokee), and other federal and state agencies (US Fish and Wildlife, US Geological Survey, Oklahoma Department of Wildlife). The focus is to address sediments and surface water in perennial streams that may be impacted by mining operations. The project area consists of 7 watersheds and covers approximately 437 square miles and 119 river miles.

## Ex. 5 - Deliberative Process

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**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**Cc:** Kundinger, Kelly[kundinger.kelly@epa.gov]  
**From:** Michelle Wynn  
**Sent:** Fri 6/22/2018 9:44:09 PM  
**Subject:** RE: Touching base regarding Monday

Thank you again for allowing us to host the Administrator and your team. Please let me know if you have any questions. -MW

2 pm meeting attendees –

Scott Thompson, Executive Director

Kelly Dixon, Land Protection Division Director

Lloyd Kirk, External Affairs Division Director

Shellie Chard, Water Quality Division Director

Chris Armstrong, State Environmental Laboratory Division Director

Rob Singletary, General Counsel

Michelle Wynn, Legislative Liaison

\*Tentative; Erin Hatfield, Director of Communications

Proposed Topics:

- PFOS/PFOA
- Superfund (in general, plus Eagle Industries, Tar Creek, Wilcox sites)
- RCRA (Macy's SEP was a positive)
- Water loss audits (our program that helps water systems save water and money)
- FACT team, including tribes, USDA, DWSRF and state funding projects
- Importance of building drought resiliency into drinking water systems in response to drought, shifting population, expanding water demanding industries

**Michelle Wynn**

***Legislative Liaison***

**Oklahoma Department of Environmental Quality**

707 N Robinson, PO Box 1677

Oklahoma City, OK 73101

405.702.7163 office phone

**Ex. 6 - Personal Privacy**

michelle.wynn@deq.ok.gov

**From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]

**Sent:** Friday, June 22, 2018 1:21 PM

**To:** Michelle Wynn

**Cc:** Kunding, Kelly

**Subject:** Re: Touching base regarding Monday

Copying Kelly who will have those answers but perhaps Scott can ride in the Admin's car?

On Jun 22, 2018, at 12:39 PM, Michelle Wynn <[Michelle.Wynn@deq.ok.gov](mailto:Michelle.Wynn@deq.ok.gov)> wrote:

Tate -

Sorry to change direction on you, but I will be doing the coordination on our end now. Fenton was involved when we were going to tour the alternative site, so now it's just going thru extra steps. This way you and I can have direct contact and go from there.

The meeting at our office for 2 PM is all locked in. As for the windshield tour, are you all arranging that part? I know, our director, Scott Thompson would like to join you on that part if possible. We can do the rest according to availability of room, we can also provide vehicles as needed.

Looking forward to having administrative Pruitt visit with us here in Oklahoma. Please let me know what else I can do to be of help.

Michelle Wynn

DEQ - Legislative Liaison

405-702-7163 Office

Ex. 6 - Personal Privacy

Begin forwarded message:

**From:** Skylar McElhaney <[Skylar.McElhaney@deq.ok.gov](mailto:Skylar.McElhaney@deq.ok.gov)>  
**Date:** June 22, 2018 at 11:33:17 AM CDT  
**To:** Michelle Wynn <[Michelle.Wynn@deq.ok.gov](mailto:Michelle.Wynn@deq.ok.gov)>  
**Subject:** Fwd: Touching base regarding Monday

Skylar McElhaney

Department of Environmental Quality

(405) 702-7167 Office

Ex. 6 - Personal Privacy

Begin forwarded message:

**From:** "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Date:** June 22, 2018 at 11:32:12 AM CDT  
**To:** Fenton Rood <[Fenton.Rood@deq.ok.gov](mailto:Fenton.Rood@deq.ok.gov)>  
**Cc:** "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>, "Kundinger, Kelly" <[kundinger.kelly@epa.gov](mailto:kundinger.kelly@epa.gov)>, Skylar McElhaney <[Skylar.McElhaney@deq.ok.gov](mailto:Skylar.McElhaney@deq.ok.gov)>  
**Subject:** RE: Touching base regarding Monday

This agenda is great. Let's lock it in for 2 PM. Also, I wanted to let you know the Admin will be doing a quick tour of Eagle Industries as well as a windshield tour of the following after our meeting. Let me know if you have any interest in participating in this part as well. No pressure either way.

### **Oklahoma City**

- Eagle Industries – Just east of Oklahoma City
- Fourth Street Abandoned Refinery – east/central Oklahoma City
- Mosley Road Sanitary Landfill – NE Oklahoma City
- Tinker Air Force Base – SE Oklahoma City

**From:** Fenton Rood [<mailto:Fenton.Rood@deq.ok.gov>]

**Sent:** Friday, June 22, 2018 11:22 AM

**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>

**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>; Skylar McElhaney <[Skylar.McElhaney@deq.ok.gov](mailto:Skylar.McElhaney@deq.ok.gov)>

**Subject:** RE: Touching base regarding Monday

Proposed attendees:

Scott Thompson, Executive Director

Kelly Dixon, Land Protection Division

Lloyd Kirk, External Affairs

Shellie Chard, Water Quality

Michelle Wynn, Legislative Liaison

Erin Hatfield, Public Information Officer

Chris Armstrong, State Environmental Laboratory

Proposed Topics:

- PFOS/PFOA
- Superfund (in general and Eagle Industries, Tar Creek, Wilcox)
- RCRA (Macy's SEP was a positive)
- Water loss audits (our program that helps water systems save water and money)
- FACT team, including tribes, USDA, DWSRF and state funding projects
- Importance of building drought resiliency into drinking water systems in response to drought, shifting population, expanding water demanding industries

**From:** Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]

**Sent:** Thursday, June 21, 2018 4:13 PM

**To:** Fenton Rood

**Cc:** Jackson, Ryan; Kunding, Kelly

**Subject:** Touching base regarding Monday

Fenton-

This is to confirm Pruitt's meeting with the director and division directors at 2 PM next Monday. Thanks again for your help. My cell is Ex. 6 - Personal Privacy if you

need anything. I have also copied Kelly Kunding with our advance team who will reach out about a security walk through in advance. Also, do you mind sending me an attendee list when you have one?

OK DEQ

707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental  
Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)



**To:** Daniell, Kelsi[daniell.kelsi@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Beach, Christopher[beach.christopher@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Bodine, Susan[bodine.susan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]; Gordon, Stephen[gordon.stephen@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Hanson, Paige (Catherine)[hanson.catherine@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Konkus, John[konkus.john@epa.gov]; Leopold, Matt[Leopold.Matt@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]; Ross, David P[ross.davidp@epa.gov]; Shimmin, Kaitlyn[shimmin.kaitlyn@epa.gov]; Wehrum, Bill[Wehrum.Bill@epa.gov]; Wheeler, Andrew[wheeler.andrew@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]  
**From:** Block, Molly  
**Sent:** Fri 5/4/2018 1:11:58 PM  
**Subject:** RE: EPA News Highlights 5.4.18  
[EPA News Highlights 5.4.18.docx](#)

If you're having issues accessing the word doc. Please try the new one attached.

**From:** Block, Molly

**Sent:** Friday, May 4, 2018 8:45 AM

**To:** Daniell, Kelsi <daniell.kelsi@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Konkus, John <konkus.john@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>; Wheeler, Andrew <wheeler.andrew@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Yamada, Richard (Yujiro) <yamada.richard@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>

**Subject:** EPA News Highlights 5.4.18

**EPA News Highlights 5.4.18**

### **Bloomberg Environmental: EPA Tailoring Superfund Agreements for Concerned Companies**

Third parties that want to take on Superfund site projects can expect more personalized attention and customized agreements from the EPA, as the agency moves to redevelop contaminated properties. The Environmental Protection Agency is targeting companies' contamination liability concerns at the site level, pushing more tailored, site-specific agreements in addition to using agency-wide guidance, Cyndy Mackey, director of the agency's Office of Site Remediation Enforcement, told Bloomberg Environment May 3. Those changes are enticing more private investors to step in, clean up, and redevelop the country's most contaminated sites, the agency said.

### **Politico: EPA Narrows Guidelines for Aggregating Sources for Air Permitting**

EPA will alter its interpretation of when related facilities are considered a single source for air permitting purposes in a way that could ease their permitting requirements. Permitting rules say that plants located near each other should be aggregated for permitting purposes if they are operated by the same entity, known as "common control." In that case, the facilities' emissions can be aggregated and be subject to more stringent permitting requirements than if treated separately. In an April 30 memo concerning a common control designation for a Pennsylvania landfill and nearby biogas processing facility that are owned by different companies, EPA air chief Bill Wehrum revised the agency's interpretation so that facilities meet the definition if one entity has "the power or authority ... to dictate decisions of the other that could affect the applicability of, or compliance with, relevant air pollution regulatory requirements."

### **Washington Examiner: US Charges Ex-Volkswagen CEO Martin Winterkorn in Emissions Scandal**

A federal grand jury has charged former Volkswagen CEO Martin Winterkorn with wire fraud in what prosecutors say was a long-running scheme to cheat diesel-emission standards for U.S. vehicles. Environmental Protection Agency Administrator Scott Pruitt said the indictment sends "a clear message that EPA and its law enforcement partners will seek to hold corporate officers accountable for alleged criminal activities."

### **National News Highlights 5.4.18**

### Reuters: Months After Parkland Shooting, Trump to Embrace NRA in Rally-Like Speech

President Donald Trump, who briefly pledged to “fight” the National Rifle Association after a February mass shooting at a Florida high school, is expected to throw his full weight behind the powerful gun rights group on Friday at an event in Dallas.

### CNBC: Special Counsel Robert Mueller Focusing Sharply on Links Between Trump Confidant Roger Stone and Former Campaign Official Rick Gates, Sources Say

Special counsel Robert Mueller is focusing intensely on alleged interactions between former top Trump campaign official Rick Gates and political operative Roger Stone, one of President Donald Trump's closest confidants, according to sources with direct knowledge of the matter. Stone, a longtime advisor to Trump, is apparently one of the top subjects of the Mueller investigation into potential collusion between the Kremlin and the Trump campaign, sources told CNBC on condition of anonymity. The questions have been largely about what was discussed at meetings, including dinners, between Stone and Gates, before and during the campaign, said the sources, who have knowledge of the substance of the recent interviews.

### Wall Street Journal: The Kentucky Derby Favorite Is Seeking to Outrun a Ghost

Bob Baffert is a four-time Kentucky Derby-winning trainer with a stable full of champion thoroughbreds, most recently sweeping the Triple Crown with American Pharoah in 2015. He often works with the sport's best horses, so it wasn't particularly noteworthy when a young colt named Justify entered his barn late last year. Justify went on to win his debut race in February and is undefeated in three starts, securing a berth in the Kentucky Derby after an easy three-length win in the Santa Anita Derby on April 7. That was enough for Churchill Downs oddsmaker Mike Battaglia to tap Justify as the 3-1 favorite, even though the Run for the Roses will be Justify's first race outside of the state of California.

### TRUMP TWEETS

## **Bloomberg Environment**

<https://news.bloombergenvironment.com/environment-and-energy/epa-tailoring-superfund-agreements-for-concerned-companies>

### **EPA Tailoring Superfund Agreements for Concerned Companies**

By Sylvia Carignan, 5/3/18

Third parties that want to take on Superfund site projects can expect more personalized attention and customized agreements from the EPA, as the agency moves to redevelop contaminated properties.

The Environmental Protection Agency is targeting companies' contamination liability concerns at the site level, pushing more tailored, site-specific agreements in addition to using agency-wide guidance, Cyndy Mackey, director of the agency's Office of Site Remediation Enforcement, told Bloomberg Environment May 3.

Those changes are enticing more private investors to step in, clean up, and redevelop the country's most contaminated sites, the agency said.

#### Renewed Interest

Those third parties are often environmental remediation companies and redevelopers that are willing to take on cleanup risks. The site-specific agreements address their concerns regarding their responsibilities at contaminated sites and the potential for future liabilities.

"We have seen an uptick in interest with those agreements," Mackey said.

Previously, third parties interested in Superfund sites had to rely on statutory protections to determine whether they are liable for contamination. The site-specific approach, which comes from the agency's Superfund task force, helps manage third parties' cleanup expectations and liability concerns, she said.

EPA Administrator Scott Pruitt's task force specifically focuses on making changes to the Superfund program that don't require legislation. In more than 40 recommendations, the task force details administrative ways the agency can ensure accountability, accelerate cleanup, and prepare sites for reuse.

Superfund sites are the most contaminated in the country, and include the Gowanus Canal in New York, Portland Harbor in Oregon, and Tar Creek in Oklahoma. Properties with the EPA's Superfund designation are eligible to receive federal funds for cleanup, though the agency aims to compel companies responsible for the sites, or third parties, to pay the cleanup bills.

#### From HQ to Regions

The two types of site-specific agreements that the EPA seeks to promote are bona fide prospective purchaser agreements and prospective purchaser agreements. The EPA's headquarters office is encouraging regional offices to use them more frequently. Both require the approval of the Department of Justice.

The bona fide prospective purchaser provision in the 2002 brownfields act protects landowners from liability for cleanup costs. The agreement is valid only if they meet certain conditions. These include reviewing records and inspecting the site for the presence or possibility of contamination, demonstrating that the purchaser is not affiliated with any liable party, complying with land use restrictions, and cooperating with information requests.

Prospective purchaser agreements center on the EPA's promise not to sue a party that could buy contaminated property. Certain conditions also must be met for these agreements.

The agency also is reviewing the content of those agreements to determine whether their templates should be revised, the EPA noted in guidance signed April 17.

### Third-Party Liability

But third parties looking to take on contaminated sites may have another reason to hesitate, after an April 27 ruling from the U.S. Court of Appeals for the Ninth Circuit.

In California Department of Toxic Substances Control v. Westside Delivery, the court ruled that a third party, Westside Delivery, was liable for the costs of cleanup the state performed at Westside's contaminated property in Los Angeles.

Westside acquired the property in a tax sale and didn't interact directly with the original owner, the Davis Chemical Co., which recycled spent solvents at the site. A 1992 EPA assessment of the site found significant spillage, according to court documents.

The defendant argued that it was protected from liability under Superfund law, but the court disagreed.

"This decision reinforces the golden rule of acquiring industrial property—look before you leap," Peter Hsiao, partner at Morrison Foerster LLP in Los Angeles, told Bloomberg Environment in an email. Hsiao's practice includes Superfund litigation and other types of environmental law.

On the other hand, the case may not affect many third parties that are interested in buying contaminated sites, Bart Seitz, partner at Baker Botts LLP in Washington, told Bloomberg Environment.

"On the narrow facts of this case, I don't think it's that common," he said. Seitz represents companies involved in Superfund litigation.

The EPA is reviewing the court's decision and will determine whether any changes need to be made to site-specific agreements or guidance, Mackey said.

## Politico

<https://subscriber.politicopro.com/energy/whiteboard/2018/05/epa-narrows-guidelines-for-aggregating-sources-for-air-permitting-1157347>

## **EPA Narrows Guidelines for Aggregating Sources for Air Permitting**

By Alex Guillen, 5/3/18

EPA will alter its interpretation of when related facilities are considered a single source for air permitting purposes in a way that could ease their permitting requirements.

Permitting rules say that plants located near each other should be aggregated for permitting purposes if they are operated by the same entity, known as “common control.” In that case, the facilities’ emissions can be aggregated and be subject to more stringent permitting requirements than if treated separately.

In an April 30 [memo](#) concerning a common control designation for a Pennsylvania landfill and nearby biogas processing facility that are owned by different companies, EPA air chief Bill Wehrum revised the agency's interpretation so that facilities meet the definition if one entity has “the power or authority ... to dictate decisions of the other that could affect the applicability of, or compliance with, relevant air pollution regulatory requirements.”

A dependent relationship should not necessarily mean common control, he added. Facilities can be “economically or operationally interconnected” without being able to direct the other.

In the immediate case of the Pennsylvania landfill and processing plant, Wehrum concluded that the two are not commonly controlled because the landfill could otherwise meet methane emissions limits by burning off biogas and because the processing plant hopes to secure other sources of biogas.

WHAT’S NEXT: Ultimately, EPA’s reasoning is only a recommendation. Pennsylvania regulators have the final say on whether these particular facilities fall under “common control.”

## **Washington Examiner**

<https://www.washingtonexaminer.com/business/us-charges-ex-volkswagen-ceo-martin-winterkorn-in-emissions-scandal>

## **US Charges Ex-Volkswagen CEO Martin Winterkorn in Emissions Scandal**

By James Langford, 5/3/18

A federal grand jury has charged former Volkswagen CEO Martin Winterkorn with wire fraud in what prosecutors say was a long-running scheme to cheat diesel-emission standards for U.S. vehicles.

Winterkorn, 70, and other senior executives of the German carmaker conspired for about nine years to mislead investors and U.S. consumers about the ability of its "clean diesel" vehicles to comply with the country's rules, according to an indictment unsealed Thursday in U.S. District Court in Michigan. Winterkorn, who stepped down from the top job shortly after the federal investigation began, also faces three counts of wire fraud in a scandal that has weighed on the company's U.S. stock for more than two years.

"If you try to deceive the United States, then you will pay a heavy price," Attorney General Jeff Sessions, an appointee of President Trump, said in a statement. "The indictment unsealed today alleges that Volkswagen's scheme to cheat its legal requirements went all the way to the top of the company. These are serious allegations, and we will prosecute this case to the fullest extent of the law."

Environmental Protection Agency Administrator Scott Pruitt said the indictment sends "a clear message that EPA and its law enforcement partners will seek to hold corporate officers accountable for alleged criminal activities."

According to the indictment, Winterkorn and other Volkswagen executives implemented software that made VW and Audi diesel vehicles appear to meet U.S. emissions standards when they didn't, thus boosting the company's sales and, potentially, their own incomes.

The so-called defeat device, which tightened engine emission controls enough to meet requirements when the software recognized a test was being performed, was developed after VW executives realized the carmaker was unable to build a diesel engine that was both compliant and had market appeal, prosecutors said.

Under normal driving conditions, which the software also recognized, the diesel engines' emission-control systems were much less effective, allowing them to pump as much as 35 times more nitrogen oxides into the environment than U.S. regulators allowed, according to the indictment. The pollutants contribute to both smog and acid rain.

The Justice Department and the EPA notified Volkswagen of the investigation in late September 2015, and the company promised to cooperate. Winterkorn relinquished his roles as CEO and chairman of the supervisory board five days later.

"I am doing this in the interests of the company, even though I am not aware of any wrong doing on my part," he said at the time. "Volkswagen needs a fresh start — also in terms of personnel. I am clearing the way for this fresh start with my resignation."

The company's U.S. shares have climbed 8.2 percent since the investigation was disclosed, trailing 32 percent growth on the broader S&P 500.

Volkswagen “continues to cooperate with investigations by the Department of Justice,” said Pietro Zollino, a company spokesman. “It would not be appropriate to comment on individual cases.”

## Reuters

<https://www.reuters.com/article/us-usa-guns-trump/months-after-parkland-shooting-trump-to-embrace-nra-in-rally-like-speech-idUSKBN1I50ZR>

### **Months After Parkland Shooting, Trump to Embrace NRA in Rally-Like Speech**

By Jeff Mason, 5/4/18

President Donald Trump, who briefly pledged to “fight” the National Rifle Association after a February mass shooting at a Florida high school, is expected to throw his full weight behind the powerful gun rights group on Friday at an event in Dallas.

In addressing the gun lobbying group’s annual convention, the Republican president will emphasize his support for gun rights in political terms, likely claiming again that Democrats want to take away Americans’ firearms, a White House official said.

This will be Trump’s fourth speech to the powerful NRA and, with control of the U.S. Congress up for grabs in November’s midterm elections and campaigns under way, it is expected to include familiar warnings meant to excite the Republican voter base.

“These things typically are pretty ‘rah, rah Second Amendment’ types of addresses,” the official said, adding that Trump likely will say that Democrats oppose the constitutional amendment that protects gun ownership.

The massacre that killed 17 people at Marjory Stoneman Douglas High School in Parkland, Florida, on Feb. 14 seemed to mark a turning point in America’s long-running gun debate, sparking a youth-led movement for tighter gun controls.

Days after the shooting, Trump promised action on gun regulation and at a gathering of state officials, said this of the NRA: “We have to fight them every once in a while.”

Since then, no major new federal gun controls have been imposed, although the administration is pursuing a proposed regulatory ban on bump stocks of the sort used in an October 2017 mass shooting in Las Vegas that killed 59 people.



A bump stock allows a semi-automatic rifle to fire like an automatic one. Semi-automatic assault rifles are sold widely in the United States, which has the world's highest per capita gun ownership rates. The NRA has fiercely defended America's gun ownership rights for many years, citing the Second Amendment.

## RHETORICAL SHIFT

Since Parkland, Trump has largely moved his rhetoric back in line with the NRA, which endorsed him in his 2016 presidential election campaign and gave him its financial backing.

The group's convention in Texas will attract a strongly pro-Trump crowd, officials said, giving the president room to take some swipes at his opponents, review his record in office and complain about Special Counsel Robert Mueller's investigation of possible collusion between Trump's 2016 campaign and Russia.

The event was likely to be "reminiscent of rallies past," a second White House official said.

A Reuters/Ipsos poll found in March 2018 that 54 percent of adults wanted "strong regulations or restrictions" for firearms. That was up from 39 percent in a similar poll from April 2012.

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## CNBC

<https://www.cnn.com/2018/05/03/mueller-focuses-on-links-between-roger-stone-trump-campaign-aide-gates.html>

**Special Counsel Robert Mueller Focusing Sharply on Links Between Trump Confidant**

## Roger Stone and Former Campaign Official Rick Gates, Sources Say

By Brian Schwartz, 5/3/18

Special counsel Robert Mueller is focusing intensely on alleged interactions between former top Trump campaign official Rick Gates and political operative Roger Stone, one of President Donald Trump's closest confidants, according to sources with direct knowledge of the matter.

Stone, a longtime advisor to Trump, is apparently one of the top subjects of the Mueller investigation into potential collusion between the Kremlin and the Trump campaign, sources told CNBC on condition of anonymity.

The questions have been largely about what was discussed at meetings, including dinners, between Stone and Gates, before and during the campaign, said the sources, who have knowledge of the substance of the recent interviews.

In February, Gates pleaded guilty to two counts stemming from the Russia investigation, and he is cooperating with Mueller's probe.

The new developments indicate that Mueller's team is interested in Stone beyond his interactions with Wikileaks founder Julian Assange during the campaign.

An attorney for Stone, Robert Buschel, did not deny discussions took place between his client and Gates, but sought to downplay their importance.

"Roger Stone did not have any substantive or meaningful interaction with Rick Gates during or leading up to the 2016 campaign," Buschel told CNBC in a statement.

An attorney for Gates declined to comment. The special counsel's office declined to comment.

The link between Gates and Stone goes back to their work at what had been one of the most powerful lobbying firms in Washington, which was founded by Stone along with former Trump campaign chairman Paul Manafort. The special counsel's probe has yielded two indictments against Manafort, who is accused of several crimes, including bank fraud and conspiracy against the United States.

Gates joined the firm as an intern more three decades ago, and it is unclear how much work he did with Stone at the time.

The firm, called Black, Manafort, Stone and Kelly, was known for its work to help improve the image of controversial politicians, including Ferdinand Marcos of the Philippines, Mobutu Sese Seko of the Democratic Republic of the Congo and the Russian-aligned former president of Ukraine, Viktor Yanukovich.

Gates joined the Trump campaign in the spring of 2016 and became Manafort's deputy. It was there where he became close to many of Trump's confidants. He remained with the campaign even after Manafort's ouster. Gates then worked on Trump's inaugural committee and co-founded the pro-Trump nonprofit group America First Policies.

In March, Gates was pulled into the Mueller inquiry when the special counsel's office filed a motion that claimed the former campaign aide had contact with a former agent of the Russian intelligence service in 2016. This came after Gates pleaded guilty to lying and conspiring against the United States, which could lead to possibly six years in prison. A sentencing date has yet to be announced.

For Stone, this is another potential hurdle in an ongoing investigation that continues to focus on him, among others.

Sam Nunberg, a former Trump campaign advisor, also said he was asked about Stone's involvement with Wikileaks during his interview before Mueller's grand jury in March.

"Roger is certainly a subject," Nunberg said. "The fact that Roger hasn't been called in and the special counsel continues to ask questions about Roger's possible activities during the election shows that at the very least he's a subject."

Stone allegedly met with Assange, the Wikileaks founder, in August 2016. In an email leaked to The Wall Street Journal, Stone said, "I dined with my new pal Julian Assange last nite."

Stone has denied that he has met with the Wikileaks founder and said the email was in jest.

During the 2016 campaign, Wikileaks published emails allegedly stolen from the Democratic National Committee's servers by a Russia-linked hacker known as "Guccifer 2.0."

## Wall Street Journal

<https://www.wsj.com/articles/the-kentucky-derby-favorite-is-seeking-to-outrun-a-ghost-1525431686>

### The Kentucky Derby Favorite Is Seeking to Outrun A Ghost

By Jim Chairusmi, 5/4/18

Bob Baffert is a four-time Kentucky Derby-winning trainer with a stable full of champion thoroughbreds, most recently sweeping the Triple Crown with American Pharoah in 2015. He often works with the sport's best horses, so it wasn't particularly noteworthy when a young colt

named Justify entered his barn late last year.

“I just can’t remember offhand,” Baffert said last month about his earliest memories of Saturday’s Kentucky Derby favorite.

But it didn’t take long for the 65-year-old Baffert to take notice, after he saw the chestnut colt breeze in a workout at Santa Anita Park.

The dirt track at Santa Anita is deep and many horses can struggle over the surface, Baffert said. But not Justify.

“The first time I worked him [there] I knew he was something really special,” Baffert said. “He just went around there and just did it effortlessly. And that’s when I knew he was really a cut above the rest.”

Justify went on to win his debut race in February and is undefeated in three starts, securing a berth in the Kentucky Derby after an easy three-length win in the Santa Anita Derby on April 7. That was enough for Churchill Downs oddsmaker Mike Battaglia to tap Justify as the 3-1 favorite, even though the Run for the Roses will be Justify’s first race outside of the state of California.

But besides trying to beat 19 rivals to the finish line on Saturday, Justify and Baffert are also running against history. A horse that didn’t race as a 2-year-old hasn’t won the Kentucky Derby since a gelding named Apollo accomplished the feat in 1882. Since statistics were first kept in 1937, 61 horses have entered the Derby without racing at the age of 2. All have lost and only eight of the 61 even finished in the top-3.

The Kentucky Derby, a race in which only 3-year-old horses are eligible, is a stiff test for still-maturing thoroughbreds, with a large field and a boisterous crowd of over 150,000 fans, contested at a distance (1 ¼ miles) farther than any horse in the field has ever run. As a result, the popular consensus among horsemen has been to establish a racing foundation for a horse at an early age before attempting to run in classic races such as the Derby, Preakness and Belmont Stakes.

“The lack of experience is a very tough thing to overcome but in the case of Justify, if he had started at 2, he might not be in the position he is in today as the favorite,” said Simon Bray, a former trainer and current analyst for the racing network TVG. “Physically, he’s so big. I don’t think he would have been as developed racing as a 2-year-old.

Hall of Fame jockey Jerry Bailey said the most impressive part about Justify is how quickly he’s turned into a star, akin to a freshman in high school making the leap straight to the NBA.

“Justify is particularly challenged because [in addition] to not racing at age 2, he didn’t even race until Feb. 18.”

The so-called Curse of Apollo is something Baffert has heard a lot about, having come within 1

1/2 lengths of breaking it in 2012, when his trainee Bodemeister, who also didn't race as a 2-year-old, was overtaken just steps from the wire by I'll Have Another.

"The Apollo thing," Baffert said. "Whether it happens this year or whatever, it will happen."

Baffert said a big reason the streak hasn't been broken is that trainers used to start horses much earlier in their racing careers, something he said isn't fully the case now. "Trainers take their time. They don't run them as early 2-year-olds anymore," he said. "So I think the game has changed."

Bailey said an "exceptional" talent can overcome a lack of race experience.

"In this day and age, an inexperienced horse that didn't race at the age of 2, isn't running against horses that have run 10 times, 12 times, like they did 25 years ago. Most of the horses in the field are relatively lightly raced, so the disparity isn't as great," said Bailey, who is now an analyst for NBC Sports.

Trainer Todd Pletcher conditions Magnum Moon, the other late-developing, undefeated colt in this year's Derby field who is also looking to outrun the ghost of Apollo on Saturday.

"It's lasted long enough that I guess there has to be something to it. But I feel strongly that at some point someone's going to reverse the curse," Pletcher said.

Looking at the full field for the Derby, Bailey sees Justify as the likeliest winner.

"Magnum Moon is a good horse but I think Justify is several lengths faster than him. And probably several lengths faster than almost all of the field, except maybe Mendelssohn," said Bailey.

Coincidentally, the horse many consider to be the biggest threat to Justify in the Derby actually comes from the same bloodline. Mendelssohn—who secured a berth with an 18 1/2 length victory in the UAE Derby--and Justify were both sired by Scat Daddy. But horses by the same stallion, but birthed by a different dam (mother), are not considered related. Mendelssohn, conditioned by Irish trainer Aidan O'Brien, has won four of seven career starts.

Bray said he and Baffert were chatting one morning before the UAE Derby in Dubai when Baffert pointed to Mendelssohn.

"Baffert said, 'That horse is going to win the UAE Derby. The problem is, he's only the second-best Scat Daddy in the world right now. I have the best one.'"

## TRUMP TWEETS



**Donald J. Trump** ● @realDonaldTrump · 2h



Going to Dallas (the GREAT State of Texas) today. Leaving soon!

6.2K 4.1K 24K



**Donald J. Trump** ● @realDonaldTrump · 2h



NBC NEWS is wrong again! They cite "sources" which are constantly wrong. Problem is, like so many others, the sources probably don't exist, they are fabricated, fiction! NBC, my former home with the Apprentice, is now as bad as Fake News CNN. Sad!

8.0K 7.1K 28K



**Donald J. Trump** ● @realDonaldTrump · 2h



Andy McCarthy will be on @LouDobbs tonight. 7:00 P.M. , @FoxBusiness.

2.0K 2.2K 10K



**Donald J. Trump** ● @realDonaldTrump · 2h



Because Jobs in the U.S. are doing so well, Americans receiving unemployment aid is the lowest since 1973. Great!

3.9K 8.2K 38K



**Donald J. Trump** ● @realDonaldTrump · 2h



Our Southern Border is under siege. Congress must act now to change our weak and ineffective immigration laws. Must build a Wall. Mexico, which has a massive crime problem, is doing little to help!

6.3K 6.9K 28K

## **EPA News Highlights 5.4.18**

### **Bloomberg Environmental: EPA Tailoring Superfund Agreements for Concerned Companies**

Third parties that want to take on Superfund site projects can expect more personalized attention and customized agreements from the EPA, as the agency moves to redevelop contaminated properties. The Environmental Protection Agency is targeting companies' contamination liability concerns at the site level, pushing more tailored, site-specific agreements in addition to using agency-wide guidance, Cyndy Mackey, director of the agency's Office of Site Remediation Enforcement, told Bloomberg Environment May 3. Those changes are enticing more private investors to step in, clean up, and redevelop the country's most contaminated sites, the agency said.

### **Politico: EPA Narrows Guidelines for Aggregating Sources for Air Permitting**

EPA will alter its interpretation of when related facilities are considered a single source for air permitting purposes in a way that could ease their permitting requirements. Permitting rules say that plants located near each other should be aggregated for permitting purposes if they are operated by the same entity, known as "common control." In that case, the facilities' emissions can be aggregated and be subject to more stringent permitting requirements than if treated separately. In an April 30 memo concerning a common control designation for a Pennsylvania landfill and nearby biogas processing facility that are owned by different companies, EPA air chief Bill Wehrum revised the agency's interpretation so that facilities meet the definition if one entity has "the power or authority ... to dictate decisions of the other that could affect the applicability of, or compliance with, relevant air pollution regulatory requirements."

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A federal grand jury has charged former Volkswagen CEO Martin Winterkorn with wire fraud in what prosecutors say was a long-running scheme to cheat diesel-emission standards for U.S. vehicles. Environmental Protection Agency Administrator Scott Pruitt said the indictment sends "a clear message that EPA and its law enforcement partners will seek to hold corporate officers accountable for alleged criminal activities."

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### **Reuters: Months After Parkland Shooting, Trump to Embrace NRA in Rally-Like Speech**

President Donald Trump, who briefly pledged to "fight" the National Rifle Association after a February mass shooting at a Florida high school, is expected to throw his full weight behind the powerful gun rights group on Friday at an event in Dallas.

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### TRUMP TWEETS

## Bloomberg Environment

<https://news.bloombergenvironment.com/environment-and-energy/epa-tailoring-superfund-agreements-for-concerned-companies>

### **EPA Tailoring Superfund Agreements for Concerned Companies**

By Sylvia Carignan, 5/3/18

Third parties that want to take on Superfund site projects can expect more personalized attention and customized agreements from the EPA, as the agency moves to redevelop contaminated properties.

The Environmental Protection Agency is targeting companies' contamination liability concerns at the site level, pushing more tailored, site-specific agreements in addition to using agency-wide guidance, Cyndy Mackey, director of the agency's Office of Site Remediation Enforcement, told Bloomberg Environment May 3.

Those changes are enticing more private investors to step in, clean up, and redevelop the country's most contaminated sites, the agency said.

### Renewed Interest

Those third parties are often environmental remediation companies and redevelopers that are willing to take on cleanup risks. The site-specific agreements address their concerns regarding their responsibilities at contaminated sites and the potential for future liabilities.

"We have seen an uptick in interest with those agreements," Mackey said.

Previously, third parties interested in Superfund sites had to rely on statutory protections to determine whether they are liable for contamination. The site-specific approach, which comes from the agency's Superfund task force, helps manage third parties' cleanup expectations and liability concerns, she said.

EPA Administrator Scott Pruitt's task force specifically focuses on making changes to the Superfund program that don't require legislation. In more than 40 recommendations, the task force details administrative ways the agency can ensure accountability, accelerate cleanup, and prepare sites for reuse.

Superfund sites are the most contaminated in the country, and include the Gowanus Canal in New York, Portland Harbor in Oregon, and Tar Creek in Oklahoma. Properties with the EPA's Superfund designation are eligible to receive federal funds for cleanup, though the agency aims to compel companies responsible for the sites, or third parties, to pay the cleanup bills.



## From HQ to Regions

The two types of site-specific agreements that the EPA seeks to promote are bona fide prospective purchaser agreements and prospective purchaser agreements. The EPA's headquarters office is encouraging regional offices to use them more frequently. Both require the approval of the Department of Justice.

The bona fide prospective purchaser provision in the 2002 brownfields act protects landowners from liability for cleanup costs. The agreement is valid only if they meet certain conditions. These include reviewing records and inspecting the site for the presence or possibility of contamination, demonstrating that the purchaser is not affiliated with any liable party, complying with land use restrictions, and cooperating with information requests.

Prospective purchaser agreements center on the EPA's promise not to sue a party that could buy contaminated property. Certain conditions also must be met for these agreements.

The agency also is reviewing the content of those agreements to determine whether their templates should be revised, the EPA noted in [guidance](#) signed April 17.

## Third-Party Liability

But third parties looking to take on contaminated sites may have another reason to hesitate, after an April 27 ruling from the U.S. Court of Appeals for the Ninth Circuit.

In [California Department of Toxic Substances Control v. Westside Delivery](#), the court ruled that a third party, Westside Delivery, was liable for the costs of cleanup the state performed at Westside's contaminated property in Los Angeles.

Westside acquired the property in a tax sale and didn't interact directly with the original owner, the Davis Chemical Co., which recycled spent solvents at the site. A 1992 EPA assessment of the site found significant spillage, according to court documents.

The defendant argued that it was protected from liability under Superfund law, but the court disagreed.

"This decision reinforces the golden rule of acquiring industrial property—look before you leap," Peter Hsiao, partner at Morrison Foerster LLP in Los Angeles, told Bloomberg Environment in an email. Hsiao's practice includes Superfund litigation and other types of environmental law.

On the other hand, the case may not affect many third parties that are interested in buying contaminated sites, Bart Seitz, partner at Baker Botts LLP in Washington, told Bloomberg Environment.

"On the narrow facts of this case, I don't think it's that common," he said. Seitz represents companies involved in Superfund litigation.

The EPA is reviewing the court's decision and will determine whether any changes need to be made to site-specific agreements or guidance, Mackey said.

## Politico

<https://subscriber.politicopro.com/energy/whiteboard/2018/05/epa-narrows-guidelines-for->

[aggregating-sources-for-air-permitting-1157347](#)

## **EPA Narrows Guidelines for Aggregating Sources for Air Permitting**

By Alex Guillen, 5/3/18

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Permitting rules say that plants located near each other should be aggregated for permitting purposes if they are operated by the same entity, known as "common control." In that case, the facilities' emissions can be aggregated and be subject to more stringent permitting requirements than if treated separately.

In an April 30 [memo](#) concerning a common control designation for a Pennsylvania landfill and nearby biogas processing facility that are owned by different companies, EPA air chief Bill Wehrum revised the agency's interpretation so that facilities meet the definition if one entity has "the power or authority ... to dictate decisions of the other that could affect the applicability of, or compliance with, relevant air pollution regulatory requirements."

A dependent relationship should not necessarily mean common control, he added. Facilities can be "economically or operationally interconnected" without being able to direct the other.

In the immediate case of the Pennsylvania landfill and processing plant, Wehrum concluded that the two are not commonly controlled because the landfill could otherwise meet methane emissions limits by burning off biogas and because the processing plant hopes to secure other sources of biogas.

WHAT'S NEXT: Ultimately, EPA's reasoning is only a recommendation. Pennsylvania regulators have the final say on whether these particular facilities fall under "common control."

## Washington Examiner

<https://www.washingtonexaminer.com/business/us-charges-ex-volkswagen-ceo-martin-winterkorn-in-emissions-scandal>

### **US Charges Ex-Volkswagen CEO Martin Winterkorn in Emissions Scandal**

By James Langford, 5/3/18

A federal grand jury has charged former Volkswagen CEO Martin Winterkorn with wire fraud in what prosecutors say was a long-running scheme to cheat diesel-emission standards for U.S. vehicles.

Winterkorn, 70, and other senior executives of the German carmaker conspired for about nine years to mislead investors and U.S. consumers about the ability of its "clean diesel" vehicles to comply with the country's rules, according to an [indictment](#) unsealed Thursday in U.S. District Court in Michigan.

Winterkorn, who stepped down from the top job shortly after the federal investigation began, also faces three counts of wire fraud in a scandal that has weighed on the company's U.S. stock for more than two years.

"If you try to deceive the United States, then you will pay a heavy price," Attorney General Jeff Sessions, an appointee of President Trump, said in a statement. "The indictment unsealed today alleges that Volkswagen's scheme to cheat its legal requirements went all the way to the top of the company. These are serious allegations, and we will prosecute this case to the fullest extent of the law."

Environmental Protection Agency Administrator Scott Pruitt said the indictment sends “a clear message that EPA and its law enforcement partners will seek to hold corporate officers accountable for alleged criminal activities.”

According to the indictment, Winterkorn and other Volkswagen executives implemented software that made VW and Audi diesel vehicles appear to meet U.S. emissions standards when they didn't, thus boosting the company's sales and, potentially, their own incomes.

The so-called defeat device, which tightened engine emission controls enough to meet requirements when the software recognized a test was being performed, was developed after VW executives realized the carmaker was unable to build a diesel engine that was both compliant and had market appeal, prosecutors said.

Under normal driving conditions, which the software also recognized, the diesel engines' emission-control systems were much less effective, allowing them to pump as much as 35 times more nitrogen oxides into the environment than U.S. regulators allowed, according to the indictment. The pollutants contribute to both smog and acid rain.

The Justice Department and the EPA notified Volkswagen of the investigation in late September 2015, and the company promised to cooperate. Winterkorn relinquished his roles as CEO and chairman of the supervisory board five days later.

"I am doing this in the interests of the company, even though I am not aware of any wrong doing on my part," he said at the time. "Volkswagen needs a fresh start — also in terms of personnel. I am clearing the way for this fresh start with my resignation."

The company's U.S. shares have climbed 8.2 percent since the investigation was disclosed, trailing 32 percent growth on the broader S&P 500.

Volkswagen “continues to cooperate with investigations by the Department of Justice,” said Pietro Zollino, a company spokesman. “It would not be appropriate to comment on individual cases.”

## Reuters

<https://www.reuters.com/article/us-usa-guns-trump/months-after-parkland-shooting-trump-to-embrace-nra-in-rally-like-speech-idUSKBN1I5OZR>

### **Months After Parkland Shooting, Trump to Embrace NRA in Rally-Like Speech**

By Jeff Mason, 5/4/18

President Donald Trump, who briefly pledged to “fight” the National Rifle Association after a February mass shooting at a Florida high school, is expected to throw his full weight behind the powerful gun rights group on Friday at an event in Dallas.

In addressing the gun lobbying group’s annual convention, the Republican president will emphasize his support for gun rights in political terms, likely claiming again that Democrats want to take away Americans’ firearms, a White House official said.

This will be Trump’s fourth speech to the powerful NRA and, with control of the U.S. Congress up for grabs in November’s midterm elections and campaigns under way, it is expected to include familiar warnings meant to excite the Republican voter base.

“These things typically are pretty ‘rah, rah Second Amendment’ types of addresses,” the official said, adding that Trump likely will say that Democrats oppose the constitutional amendment that protects gun ownership.

The massacre that killed 17 people at Marjory Stoneman Douglas High School in Parkland, Florida, on Feb. 14 seemed to mark a turning point in America’s long-running gun debate, sparking a youth-led movement for tighter gun controls.

Days after the shooting, Trump promised action on gun regulation and at a gathering of state officials, said this of the NRA: “We have to fight them every once in a while.”

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"The first time I worked him [there] I knew he was something really special," Baffert said. "He just went around there and just did it effortlessly. And that's when I knew he was really a cut above the rest."

Justify went on to win his debut race in February and is undefeated in three starts, securing a berth in the Kentucky Derby after an easy three-length win in the Santa Anita Derby on April 7. That was enough for Churchill Downs oddsmaker Mike Battaglia to tap Justify as the 3-1 favorite, even though the Run for the Roses will be Justify's first race outside of the state of California.

But besides trying to beat 19 rivals to the finish line on Saturday, Justify and Baffert are also running against history. A horse that didn't race as a 2-year-old hasn't won the Kentucky Derby since a gelding named Apollo accomplished the feat in 1882. Since statistics were first kept in 1937, 61 horses have entered the Derby without racing at the age of 2. All have lost and only eight of the 61 even finished in the top-3.

The Kentucky Derby, a race in which only 3-year-old horses are eligible, is a stiff test for still-maturing thoroughbreds, with a large field and a boisterous crowd of over 150,000 fans, contested at a distance (1 ¼ miles) farther than any horse in the field has ever run. As a result, the popular consensus among horsemen has been to establish a racing foundation for a horse at an early age before attempting to run in classic races such as the Derby, Preakness and Belmont Stakes.

"The lack of experience is a very tough thing to overcome but in the case of Justify, if he had started at 2, he might not be in the position he is in today as the favorite," said Simon Bray, a former trainer and current analyst for the racing network TVG. "Physically, he's so big. I don't think he would have been as developed racing as a 2-year-old.

Hall of Fame jockey Jerry Bailey said the most impressive part about Justify is how quickly he's turned into a star, akin to a freshman in high school making the leap straight to the NBA.

"Justify is particularly challenged because [in addition] to not racing at age 2, he didn't even race until Feb. 18."

The so-called Curse of Apollo is something Baffert has heard a lot about, having come within 1 1/2 lengths of breaking it in 2012, when his trainee Bodemeister, who also didn't race as a 2-year-old, was overtaken just steps from the wire by I'll Have Another.

"The Apollo thing," Baffert said. "Whether it happens this year or whatever, it will happen."

Baffert said a big reason the streak hasn't been broken is that trainers used to start horses much earlier in their racing careers, something he said isn't fully the case now. "Trainers take their time. They don't run them as early 2-year-olds anymore," he said. "So I think the game has changed."

Bailey said an "exceptional" talent can overcome a lack of race experience.

"In this day and age, an inexperienced horse that didn't race at the age of 2, isn't running against horses that have run 10 times, 12 times, like they did 25 years ago. Most of the horses in the field are relatively lightly raced, so the disparity isn't as great," said Bailey, who is now an analyst for NBC Sports.

Trainer Todd Pletcher conditions Magnum Moon, the other late-developing, undefeated colt in this year's Derby field who is also looking to outrun the ghost of Apollo on Saturday.

"It's lasted long enough that I guess there has to be something to it. But I feel strongly that at some point someone's going to reverse the curse," Pletcher said.

Looking at the full field for the Derby, Bailey sees Justify as the likeliest winner.

“Magnum Moon is a good horse but I think Justify is several lengths faster than him. And probably several lengths faster than almost all of the field, except maybe Mendelssohn,” said Bailey.

Coincidentally, the horse many consider to be the biggest threat to Justify in the Derby actually comes from the same bloodline. Mendelssohn—who secured a berth with an 18 1/2 length victory in the UAE Derby--and Justify were both sired by Scat Daddy. But horses by the same stallion, but birthed by a different dam (mother), are not considered related. Mendelssohn, conditioned by Irish trainer Aidan O’Brien, has won four of seven career starts.

Bray said he and Baffert were chatting one morning before the UAE Derby in Dubai when Baffert pointed to Mendelssohn.

“Baffert said, ‘That horse is going to win the UAE Derby. The problem is, he’s only the second-best Scat Daddy in the world right now. I have the best one.’”



## TRUMP TWEETS



**Donald J. Trump** ● @realDonaldTrump · 2h



Going to Dallas (the GREAT State of Texas) today. Leaving soon!

6.2K 4.1K 24K



**Donald J. Trump** ● @realDonaldTrump · 2h



NBC NEWS is wrong again! They cite "sources" which are constantly wrong. Problem is, like so many others, the sources probably don't exist, they are fabricated, fiction! NBC, my former home with the Apprentice, is now as bad as Fake News CNN. Sad!

8.0K 7.1K 28K



**Donald J. Trump** ● @realDonaldTrump · 2h



Andy McCarthy will be on @LouDobbs tonight. 7:00 P.M. , @FoxBusiness.

2.0K 2.2K 10K



**Donald J. Trump** ● @realDonaldTrump · 2h



Because Jobs in the U.S. are doing so well, Americans receiving unemployment aid is the lowest since 1973. Great!

3.9K 8.2K 38K



**Donald J. Trump** ● @realDonaldTrump · 2h



Our Southern Border is under siege. Congress must act now to change our weak and ineffective immigration laws. Must build a Wall. Mexico, which has a massive crime problem, is doing little to help!

6.3K 6.9K 28K

**To:** Daniell, Kelsi[daniell.kelsi@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Beach, Christopher[beach.christopher@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Bodine, Susan[bodine.susan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]; Gordon, Stephen[gordon.stephen@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Hanson, Paige (Catherine)[hanson.catherine@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Konkus, John[konkus.john@epa.gov]; Leopold, Matt[Leopold.Matt@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]; Ross, David P[ross.davidp@epa.gov]; Shimmin, Kaitlyn[shimmin.kaitlyn@epa.gov]; Wehrum, Bill[Wehrum.Bill@epa.gov]; Wheeler, Andrew[wheeler.andrew@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]  
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## **EPA News Highlights 5.4.18**

### **Bloomberg Environmental: EPA Tailoring Superfund Agreements for Concerned Companies**

Third parties that want to take on Superfund site projects can expect more personalized attention and customized agreements from the EPA, as the agency moves to redevelop contaminated properties. The Environmental Protection Agency is targeting companies' contamination liability concerns at the site level, pushing more tailored, site-specific agreements in addition to using agency-wide guidance, Cyndy Mackey, director of the agency's Office of Site Remediation Enforcement, told Bloomberg Environment May 3. Those changes are enticing more private investors to step in, clean up, and redevelop the country's most contaminated sites, the agency said.

### **Politico: EPA Narrows Guidelines for Aggregating Sources for Air Permitting**

EPA will alter its interpretation of when related facilities are considered a single source for air permitting purposes in a way that could ease their permitting requirements. Permitting rules say that plants located near each other should be aggregated for permitting purposes if they are operated by the same entity, known as "common control." In that case, the facilities' emissions can be aggregated and be subject to more stringent permitting requirements than if treated separately. In an April 30 memo concerning a common control designation for a Pennsylvania landfill and nearby biogas processing facility that are owned by different companies, EPA air chief Bill Wehrum revised the agency's interpretation so that facilities meet the definition if one

entity has “the power or authority ... to dictate decisions of the other that could affect the applicability of, or compliance with, relevant air pollution regulatory requirements.”

#### **Washington Examiner: US Charges Ex-Volkswagen CEO Martin Winterkorn in Emissions Scandal**

A federal grand jury has charged former Volkswagen CEO Martin Winterkorn with wire fraud in what prosecutors say was a long-running scheme to cheat diesel-emission standards for U.S. vehicles. Environmental Protection Agency Administrator Scott Pruitt said the indictment sends “a clear message that EPA and its law enforcement partners will seek to hold corporate officers accountable for alleged criminal activities.”

#### **National News Highlights 5.4.18**

##### **Reuters: Months After Parkland Shooting, Trump to Embrace NRA in Rally-Like Speech**

President Donald Trump, who briefly pledged to “fight” the National Rifle Association after a February mass shooting at a Florida high school, is expected to throw his full weight behind the powerful gun rights group on Friday at an event in Dallas.

##### **CNBC: Special Counsel Robert Mueller Focusing Sharply on Links Between Trump Confidant Roger Stone and Former Campaign Official Rick Gates, Sources Say**

Special counsel Robert Mueller is focusing intensely on alleged interactions between former top Trump campaign official Rick Gates and political operative Roger Stone, one of President Donald Trump's closest confidants, according to sources with direct knowledge of the matter. Stone, a longtime advisor to Trump, is apparently one of the top subjects of the Mueller investigation into potential collusion between the Kremlin and the Trump campaign, sources told CNBC on condition of anonymity. The questions have been largely about what was discussed at meetings, including dinners, between Stone and Gates, before and during the campaign, said the sources, who have knowledge of the substance of the recent interviews.

##### **Wall Street Journal: The Kentucky Derby Favorite Is Seeking to Outrun a Ghost**

Bob Baffert is a four-time Kentucky Derby-winning trainer with a stable full of champion thoroughbreds, most recently sweeping the Triple Crown with American Pharoah in 2015. He

often works with the sport's best horses, so it wasn't particularly noteworthy when a young colt named Justify entered his barn late last year. Justify went on to win his debut race in February and is undefeated in three starts, securing a berth in the Kentucky Derby after an easy three-length win in the Santa Anita Derby on April 7. That was enough for Churchill Downs oddsmaker Mike Battaglia to tap Justify as the 3-1 favorite, even though the Run for the Roses will be Justify's first race outside of the state of California.

## TRUMP TWEETS

# Bloomberg Environment

<https://news.bloombergenvironment.com/environment-and-energy/epa-tailoring-superfund-agreements-for-concerned-companies>

## **EPA Tailoring Superfund Agreements for Concerned Companies**

By Sylvia Carignan, 5/3/18

Third parties that want to take on Superfund site projects can expect more personalized attention and customized agreements from the EPA, as the agency moves to redevelop contaminated properties.

The Environmental Protection Agency is targeting companies' contamination liability concerns at the site level, pushing more tailored, site-specific agreements in addition to using agency-wide guidance, Cyndy Mackey, director of the agency's Office of Site Remediation Enforcement, told Bloomberg Environment May 3.

Those changes are enticing more private investors to step in, clean up, and redevelop the country's most contaminated sites, the agency said.

### Renewed Interest

Those third parties are often environmental remediation companies and redevelopers that are willing to take on cleanup risks. The site-specific agreements address their concerns regarding their responsibilities at contaminated sites and the potential for future liabilities.

"We have seen an uptick in interest with those agreements," Mackey said.

Previously, third parties interested in Superfund sites had to rely on statutory protections to determine whether they are liable for contamination. The site-specific approach, which comes

from the agency's Superfund task force, helps manage third parties' cleanup expectations and liability concerns, she said.

EPA Administrator Scott Pruitt's task force specifically focuses on making changes to the Superfund program that don't require legislation. In more than 40 recommendations, the task force details administrative ways the agency can ensure accountability, accelerate cleanup, and prepare sites for reuse.

Superfund sites are the most contaminated in the country, and include the Gowanus Canal in New York, Portland Harbor in Oregon, and Tar Creek in Oklahoma. Properties with the EPA's Superfund designation are eligible to receive federal funds for cleanup, though the agency aims to compel companies responsible for the sites, or third parties, to pay the cleanup bills.

### From HQ to Regions

The two types of site-specific agreements that the EPA seeks to promote are bona fide prospective purchaser agreements and prospective purchaser agreements. The EPA's headquarters office is encouraging regional offices to use them more frequently. Both require the approval of the Department of Justice.

The bona fide prospective purchaser provision in the 2002 brownfields act protects landowners from liability for cleanup costs. The agreement is valid only if they meet certain conditions. These include reviewing records and inspecting the site for the presence or possibility of contamination, demonstrating that the purchaser is not affiliated with any liable party, complying with land use restrictions, and cooperating with information requests.

Prospective purchaser agreements center on the EPA's promise not to sue a party that could buy contaminated property. Certain conditions also must be met for these agreements.

The agency also is reviewing the content of those agreements to determine whether their templates should be revised, the EPA noted in guidance signed April 17.

### Third-Party Liability

But third parties looking to take on contaminated sites may have another reason to hesitate, after an April 27 ruling from the U.S. Court of Appeals for the Ninth Circuit.

In California Department of Toxic Substances Control v. Westside Delivery, the court ruled that a third party, Westside Delivery, was liable for the costs of cleanup the state performed at Westside's contaminated property in Los Angeles.

Westside acquired the property in a tax sale and didn't interact directly with the original owner, the Davis Chemical Co., which recycled spent solvents at the site. A 1992 EPA assessment of the site found significant spillage, according to court documents.

The defendant argued that it was protected from liability under Superfund law, but the court

disagreed.

“This decision reinforces the golden rule of acquiring industrial property—look before you leap,” Peter Hsiao, partner at Morrison Foerster LLP in Los Angeles, told Bloomberg Environment in an email. Hsiao’s practice includes Superfund litigation and other types of environmental law.

On the other hand, the case may not affect many third parties that are interested in buying contaminated sites, Bart Seitz, partner at Baker Botts LLP in Washington, told Bloomberg Environment.

“On the narrow facts of this case, I don’t think it’s that common,” he said. Seitz represents companies involved in Superfund litigation.

The EPA is reviewing the court’s decision and will determine whether any changes need to be made to site-specific agreements or guidance, Mackey said.

## Politico

<https://subscriber.politicopro.com/energy/whiteboard/2018/05/epa-narrows-guidelines-for-aggregating-sources-for-air-permitting-1157347>

### **EPA Narrows Guidelines for Aggregating Sources for Air Permitting**

By Alex Guillen, 5/3/18

EPA will alter its interpretation of when related facilities are considered a single source for air permitting purposes in a way that could ease their permitting requirements.

Permitting rules say that plants located near each other should be aggregated for permitting purposes if they are operated by the same entity, known as “common control.” In that case, the facilities’ emissions can be aggregated and be subject to more stringent permitting requirements than if treated separately.

In an April 30 [memo](#) concerning a common control designation for a Pennsylvania landfill and nearby biogas processing facility that are owned by different companies, EPA air chief Bill Wehrum revised the agency's interpretation so that facilities meet the definition if one entity has “the power or authority ... to dictate decisions of the other that could affect the applicability of, or compliance with, relevant air pollution regulatory requirements.”

A dependent relationship should not necessarily mean common control, he added. Facilities can be “economically or operationally interconnected” without being able to direct the other.

In the immediate case of the Pennsylvania landfill and processing plant, Wehrum concluded that the two are not commonly controlled because the landfill could otherwise meet methane emissions limits by burning off biogas and because the processing plant hopes to secure other sources of biogas.

WHAT'S NEXT: Ultimately, EPA's reasoning is only a recommendation. Pennsylvania regulators have the final say on whether these particular facilities fall under "common control."

## Washington Examiner

<https://www.washingtonexaminer.com/business/us-charges-ex-volkswagen-ceo-martin-winterkorn-in-emissions-scandal>

### US Charges Ex-Volkswagen CEO Martin Winterkorn in Emissions Scandal

By James Langford, 5/3/18

A federal grand jury has charged former Volkswagen CEO Martin Winterkorn with wire fraud in what prosecutors say was a long-running scheme to cheat diesel-emission standards for U.S. vehicles.

Winterkorn, 70, and other senior executives of the German carmaker conspired for about nine years to mislead investors and U.S. consumers about the ability of its "clean diesel" vehicles to comply with the country's rules, according to an indictment unsealed Thursday in U.S. District Court in Michigan. Winterkorn, who stepped down from the top job shortly after the federal investigation began, also faces three counts of wire fraud in a scandal that has weighed on the company's U.S. stock for more than two years.

"If you try to deceive the United States, then you will pay a heavy price," Attorney General Jeff Sessions, an appointee of President Trump, said in a statement. "The indictment unsealed today alleges that Volkswagen's scheme to cheat its legal requirements went all the way to the top of the company. These are serious allegations, and we will prosecute this case to the fullest extent of the law."

Environmental Protection Agency Administrator Scott Pruitt said the indictment sends "a clear message that EPA and its law enforcement partners will seek to hold corporate officers accountable for alleged criminal activities."

According to the indictment, Winterkorn and other Volkswagen executives implemented software that made VW and Audi diesel vehicles appear to meet U.S. emissions standards when they didn't, thus boosting the company's sales and, potentially, their own incomes.

The so-called defeat device, which tightened engine emission controls enough to meet requirements when the software recognized a test was being performed, was developed after VW executives realized the carmaker was unable to build a diesel engine that was both compliant and had market appeal, prosecutors said.

Under normal driving conditions, which the software also recognized, the diesel engines' emission-control systems were much less effective, allowing them to pump as much as 35 times more nitrogen oxides into the environment than U.S. regulators allowed, according to the indictment. The pollutants contribute to both smog and acid rain.

The Justice Department and the EPA notified Volkswagen of the investigation in late September 2015, and the company promised to cooperate. Winterkorn relinquished his roles as CEO and chairman of the supervisory board five days later.

"I am doing this in the interests of the company, even though I am not aware of any wrong doing on my part," he said at the time. "Volkswagen needs a fresh start — also in terms of personnel. I am clearing the way for this fresh start with my resignation."

The company's U.S. shares have climbed 8.2 percent since the investigation was disclosed, trailing 32 percent growth on the broader S&P 500.

Volkswagen "continues to cooperate with investigations by the Department of Justice," said Pietro Zollino, a company spokesman. "It would not be appropriate to comment on individual cases."

## Reuters

<https://www.reuters.com/article/us-usa-guns-trump/months-after-parkland-shooting-trump-to-embrace-nra-in-rally-like-speech-idUSKBN1I50ZR>

### **Months After Parkland Shooting, Trump to Embrace NRA in Rally-Like Speech**

By Jeff Mason, 5/4/18

President Donald Trump, who briefly pledged to "fight" the National Rifle Association after a February mass shooting at a Florida high school, is expected to throw his full weight behind the powerful gun rights group on Friday at an event in Dallas.

In addressing the gun lobbying group's annual convention, the Republican president will emphasize his support for gun rights in political terms, likely claiming again that Democrats want to take away Americans' firearms, a White House official said.



This will be Trump's fourth speech to the powerful NRA and, with control of the U.S. Congress up for grabs in November's midterm elections and campaigns under way, it is expected to include familiar warnings meant to excite the Republican voter base.

"These things typically are pretty 'rah, rah Second Amendment' types of addresses," the official said, adding that Trump likely will say that Democrats oppose the constitutional amendment that protects gun ownership.

The massacre that killed 17 people at Marjory Stoneman Douglas High School in Parkland, Florida, on Feb. 14 seemed to mark a turning point in America's long-running gun debate, sparking a youth-led movement for tighter gun controls.

Days after the shooting, Trump promised action on gun regulation and at a gathering of state officials, said this of the NRA: "We have to fight them every once in a while."

Since then, no major new federal gun controls have been imposed, although the administration is pursuing a proposed regulatory ban on bump stocks of the sort used in an October 2017 mass shooting in Las Vegas that killed 59 people.

A bump stock allows a semi-automatic rifle to fire like an automatic one. Semi-automatic assault rifles are sold widely in the United States, which has the world's highest per capita gun ownership rates. The NRA has fiercely defended America's gun ownership rights for many years, citing the Second Amendment.

## RHETORICAL SHIFT

Since Parkland, Trump has largely moved his rhetoric back in line with the NRA, which endorsed him in his 2016 presidential election campaign and gave him its financial backing.

The group's convention in Texas will attract a strongly pro-Trump crowd, officials said, giving the president room to take some swipes at his opponents, review his record in office and complain about Special Counsel Robert Mueller's investigation of possible collusion between Trump's 2016 campaign and Russia.

The event was likely to be "reminiscent of rallies past," a second White House official said.

A Reuters/Ipsos poll found in March 2018 that 54 percent of adults wanted "strong regulations or restrictions" for firearms. That was up from 39 percent in a similar poll from April 2012.

Among Republicans in the poll, 40 percent wanted strong regulations or restrictions in March 2018, up from 22 percent in April 2012.

Trump met with NRA officials privately at the White House twice in February as he mulled policy responses to the shooting. He eventually endorsed an NRA proposal to arm teachers, a step the group said would help prevent mass school shootings. Gun control activists generally

oppose that idea.

Trump initially expressed enthusiasm for measures to close loopholes for gun buyers seeking to avoid the background check system, raise the age limit for buying rifles, and find ways to seize guns temporarily from people reported to be dangerous.

He has since endorsed more modest proposals, such as legislation aimed at providing more data for the background check system. He did not endorse closing a loophole in existing law that would require background checks for guns bought at gun shows or sales arranged over the internet.

## CNBC

<https://www.cnbc.com/2018/05/03/mueller-focuses-on-links-between-roger-stone-trump-campaign-aide-gates.html>

### **Special Counsel Robert Mueller Focusing Sharply on Links Between Trump Confidant Roger Stone and Former Campaign Official Rick Gates, Sources Say**

By Brian Schwartz, 5/3/18

Special counsel Robert Mueller is focusing intensely on alleged interactions between former top Trump campaign official Rick Gates and political operative Roger Stone, one of President Donald Trump's closest confidants, according to sources with direct knowledge of the matter.

Stone, a longtime advisor to Trump, is apparently one of the top subjects of the Mueller investigation into potential collusion between the Kremlin and the Trump campaign, sources told CNBC on condition of anonymity.

The questions have been largely about what was discussed at meetings, including dinners, between Stone and Gates, before and during the campaign, said the sources, who have knowledge of the substance of the recent interviews.

In February, Gates pleaded guilty to two counts stemming from the Russia investigation, and he is cooperating with Mueller's probe.

The new developments indicate that Mueller's team is interested in Stone beyond his interactions with Wikileaks founder Julian Assange during the campaign.

An attorney for Stone, Robert Buschel, did not deny discussions took place between his client and Gates, but sought to downplay their importance.

"Roger Stone did not have any substantive or meaningful interaction with Rick Gates during or leading up to the 2016 campaign," Buschel told CNBC in a statement.

An attorney for Gates declined to comment. The special counsel's office declined to comment.

The link between Gates and Stone goes back to their work at what had been one of the most powerful lobbying firms in Washington, which was founded by Stone along with former Trump campaign chairman Paul Manafort. The special counsel's probe has yielded two indictments against Manafort, who is accused of several crimes, including bank fraud and conspiracy against the United States.

Gates joined the firm as an intern more three decades ago, and it is unclear how much work he did with Stone at the time.

The firm, called Black, Manafort, Stone and Kelly, was known for its work to help improve the image of controversial politicians, including Ferdinand Marcos of the Philippines, Mobutu Sese Seko of the Democratic Republic of the Congo and the Russian-aligned former president of Ukraine, Viktor Yanukovich.

Gates joined the Trump campaign in the spring of 2016 and became Manafort's deputy. It was there where he became close to many of Trump's confidants. He remained with the campaign even after Manafort's ouster. Gates then worked on Trump's inaugural committee and co-founded the pro-Trump nonprofit group America First Policies.

In March, Gates was pulled into the Mueller inquiry when the special counsel's office filed a motion that claimed the former campaign aide had contact with a former agent of the Russian intelligence service in 2016. This came after Gates pleaded guilty to lying and conspiring against the United States, which could lead to possibly six years in prison. A sentencing date has yet to be announced.

For Stone, this is another potential hurdle in an ongoing investigation that continues to focus on him, among others.

Sam Nunberg, a former Trump campaign advisor, also said he was asked about Stone's involvement with Wikileaks during his interview before Mueller's grand jury in March.

"Roger is certainly a subject," Nunberg said. "The fact that Roger hasn't been called in and the special counsel continues to ask questions about Roger's possible activities during the election shows that at the very least he's a subject."

Stone allegedly met with Assange, the Wikileaks founder, in August 2016. In an email leaked to The Wall Street Journal, Stone said, "I dined with my new pal Julian Assange last nite."

Stone has denied that he has met with the Wikileaks founder and said the email was in jest.

During the 2016 campaign, Wikileaks published emails allegedly stolen from the Democratic National Committee's servers by a Russia-linked hacker known as "Guccifer 2.0."

# Wall Street Journal

<https://www.wsj.com/articles/the-kentucky-derby-favorite-is-seeking-to-outrun-a-ghost-1525431686>

## The Kentucky Derby Favorite Is Seeking to Outrun A Ghost

By Jim Chairusmi, 5/4/18

Bob Baffert is a four-time Kentucky Derby-winning trainer with a stable full of champion thoroughbreds, most recently sweeping the Triple Crown with American Pharoah in 2015. He often works with the sport's best horses, so it wasn't particularly noteworthy when a young colt named Justify entered his barn late last year.

"I just can't remember offhand," Baffert said last month about his earliest memories of Saturday's Kentucky Derby favorite.

But it didn't take long for the 65-year-old Baffert to take notice, after he saw the chestnut colt breeze in a workout at Santa Anita Park.

The dirt track at Santa Anita is deep and many horses can struggle over the surface, Baffert said. But not Justify.

"The first time I worked him [there] I knew he was something really special," Baffert said. "He just went around there and just did it effortlessly. And that's when I knew he was really a cut above the rest."

Justify went on to win his debut race in February and is undefeated in three starts, securing a berth in the Kentucky Derby after an easy three-length win in the Santa Anita Derby on April 7. That was enough for Churchill Downs oddsmaker Mike Battaglia to tap Justify as the 3-1 favorite, even though the Run for the Roses will be Justify's first race outside of the state of California.

But besides trying to beat 19 rivals to the finish line on Saturday, Justify and Baffert are also running against history. A horse that didn't race as a 2-year-old hasn't won the Kentucky Derby since a gelding named Apollo accomplished the feat in 1882. Since statistics were first kept in 1937, 61 horses have entered the Derby without racing at the age of 2. All have lost and only eight of the 61 even finished in the top-3.

The Kentucky Derby, a race in which only 3-year-old horses are eligible, is a stiff test for still-maturing thoroughbreds, with a large field and a boisterous crowd of over 150,000 fans, contested at a distance (1 ¼ miles) farther than any horse in the field has ever run. As a result, the popular consensus among horsemen has been to establish a racing foundation for a horse at an early age before attempting to run in classic races such as the Derby, Preakness and Belmont Stakes.

“The lack of experience is a very tough thing to overcome but in the case of Justify, if he had started at 2, he might not be in the position he is in today as the favorite,” said Simon Bray, a former trainer and current analyst for the racing network TVG. “Physically, he’s so big. I don’t think he would have been as developed racing as a 2-year-old.

Hall of Fame jockey Jerry Bailey said the most impressive part about Justify is how quickly he’s turned into a star, akin to a freshman in high school making the leap straight to the NBA.

“Justify is particularly challenged because [in addition] to not racing at age 2, he didn’t even race until Feb. 18.”

The so-called Curse of Apollo is something Baffert has heard a lot about, having come within 1 1/2 lengths of breaking it in 2012, when his trainee Bodemeister, who also didn’t race as a 2-year-old, was overtaken just steps from the wire by I’ll Have Another.

“The Apollo thing,” Baffert said. “Whether it happens this year or whatever, it will happen.”

Baffert said a big reason the streak hasn’t been broken is that trainers used to start horses much earlier in their racing careers, something he said isn’t fully the case now. “Trainers take their time. They don’t run them as early 2-year-olds anymore,” he said. “So I think the game has changed.”

Bailey said an “exceptional” talent can overcome a lack of race experience.

“In this day and age, an inexperienced horse that didn’t race at the age of 2, isn’t running against horses that have run 10 times, 12 times, like they did 25 years ago. Most of the horses in the field are relatively lightly raced, so the disparity isn’t as great,” said Bailey, who is now an analyst for NBC Sports.

Trainer Todd Pletcher conditions Magnum Moon, the other late-developing, undefeated colt in this year’s Derby field who is also looking to outrun the ghost of Apollo on Saturday.

“It’s lasted long enough that I guess there has to be something to it. But I feel strongly that at some point someone’s going to reverse the curse,” Pletcher said.

Looking at the full field for the Derby, Bailey sees Justify as the likeliest winner.

“Magnum Moon is a good horse but I think Justify is several lengths faster than him. And probably several lengths faster than almost all of the field, except maybe Mendelssohn,” said

Bailey.

Coincidentally, the horse many consider to be the biggest threat to Justify in the Derby actually comes from the same bloodline. Mendelssohn—who secured a berth with an 18 1/2 length victory in the UAE Derby--and Justify were both sired by Scat Daddy. But horses by the same stallion, but birthed by a different dam (mother), are not considered related. Mendelssohn, conditioned by Irish trainer Aidan O'Brien, has won four of seven career starts.

Bray said he and Baffert were chatting one morning before the UAE Derby in Dubai when Baffert pointed to Mendelssohn.

“Baffert said, ‘That horse is going to win the UAE Derby. The problem is, he’s only the second-best Scat Daddy in the world right now. I have the best one.’”

## **TRUMP TWEETS**



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6.2K 4.1K 24K



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Our Southern Border is under siege. Congress must act now to change our weak and ineffective immigration laws. Must build a Wall. Mexico, which has a massive crime problem, is doing little to help!

6.3K 6.9K 28K

## **EPA News Highlights 5.4.18**

### **Bloomberg Environmental: EPA Tailoring Superfund Agreements for Concerned Companies**

Third parties that want to take on Superfund site projects can expect more personalized attention and customized agreements from the EPA, as the agency moves to redevelop contaminated properties. The Environmental Protection Agency is targeting companies' contamination liability concerns at the site level, pushing more tailored, site-specific agreements in addition to using agency-wide guidance, Cyndy Mackey, director of the agency's Office of Site Remediation Enforcement, told Bloomberg Environment May 3. Those changes are enticing more private investors to step in, clean up, and redevelop the country's most contaminated sites, the agency said.

### **Politico: EPA Narrows Guidelines for Aggregating Sources for Air Permitting**

EPA will alter its interpretation of when related facilities are considered a single source for air permitting purposes in a way that could ease their permitting requirements. Permitting rules say that plants located near each other should be aggregated for permitting purposes if they are operated by the same entity, known as "common control." In that case, the facilities' emissions can be aggregated and be subject to more stringent permitting requirements than if treated separately. In an April 30 [memo](#) concerning a common control designation for a Pennsylvania landfill and nearby biogas processing facility that are owned by different companies, EPA air chief Bill Wehrum revised the agency's interpretation so that facilities meet the definition if one entity has "the power or authority ... to dictate decisions of the other that could affect the applicability of, or compliance with, relevant air pollution regulatory requirements."

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A federal grand jury has charged former Volkswagen CEO Martin Winterkorn with wire fraud in what prosecutors say was a long-running scheme to cheat diesel-emission standards for U.S. vehicles. Environmental Protection Agency Administrator Scott Pruitt said the indictment sends "a clear message that EPA and its law enforcement partners will seek to hold corporate officers accountable for alleged criminal activities."

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### **Reuters: Months After Parkland Shooting, Trump to Embrace NRA in Rally-Like Speech**

President Donald Trump, who briefly pledged to "fight" the National Rifle Association after a February mass shooting at a Florida high school, is expected to throw his full weight behind the powerful gun rights group on Friday at an event in Dallas.

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Special counsel Robert Mueller is focusing intensely on alleged interactions between former top Trump campaign official Rick Gates and political operative Roger Stone, one of President Donald Trump's closest confidants, according to sources with direct knowledge of the matter. Stone, a longtime advisor to Trump, is apparently one of the top subjects of the Mueller investigation into potential collusion between the Kremlin and the Trump campaign, sources told CNBC on condition of anonymity. The questions have been largely about what was discussed at meetings, including dinners, between Stone and Gates, before and during the campaign, said the sources, who have knowledge of the substance of the recent interviews.

### **Wall Street Journal: The Kentucky Derby Favorite Is Seeking to Outrun a Ghost**

Bob Baffert is a four-time Kentucky Derby-winning trainer with a stable full of champion thoroughbreds, most recently sweeping the Triple Crown with American Pharoah in 2015. He often works with the sport's best horses, so it wasn't particularly noteworthy when a young colt named Justify entered his barn late last year. Justify went on to win his debut race in February and is undefeated in three starts, securing a berth in the Kentucky Derby after an easy three-length win in the Santa Anita Derby on April 7. That was enough for Churchill Downs oddsmaker Mike Battaglia to tap Justify as the 3-1 favorite, even though the Run for the Roses will be Justify's first race outside of the state of California.



## Bloomberg Environment

<https://news.bloombergenvironment.com/environment-and-energy/epa-tailoring-superfund-agreements-for-concerned-companies>

### **EPA Tailoring Superfund Agreements for Concerned Companies**

By Sylvia Carignan, 5/3/18

Third parties that want to take on Superfund site projects can expect more personalized attention and customized agreements from the EPA, as the agency moves to redevelop contaminated properties.

The Environmental Protection Agency is targeting companies' contamination liability concerns at the site level, pushing more tailored, site-specific agreements in addition to using agency-wide guidance, Cyndy Mackey, director of the agency's Office of Site Remediation Enforcement, told Bloomberg Environment May 3.

Those changes are enticing more private investors to step in, clean up, and redevelop the country's most contaminated sites, the agency said.

#### Renewed Interest

Those third parties are often environmental remediation companies and redevelopers that are willing to take on cleanup risks. The site-specific agreements address their concerns regarding their responsibilities at contaminated sites and the potential for future liabilities.

"We have seen an uptick in interest with those agreements," Mackey said.

Previously, third parties interested in Superfund sites had to rely on statutory protections to determine whether they are liable for contamination. The site-specific approach, which comes from the agency's Superfund task force, helps manage third parties' cleanup expectations and liability concerns, she said.

EPA Administrator Scott Pruitt's task force specifically focuses on making changes to the Superfund program that don't require legislation. In more than 40 recommendations, the task force details administrative ways the agency can ensure accountability, accelerate cleanup, and prepare sites for reuse.

Superfund sites are the most contaminated in the country, and include the Gowanus Canal in New York, Portland Harbor in Oregon, and Tar Creek in Oklahoma. Properties with the EPA's Superfund designation are eligible to receive federal funds for cleanup, though the agency aims to compel companies responsible for the sites, or third parties, to pay the cleanup bills.

#### From HQ to Regions

The two types of site-specific agreements that the EPA seeks to promote are bona fide prospective purchaser agreements and prospective purchaser agreements. The EPA's headquarters office is encouraging regional offices to use them more frequently. Both require the approval of the Department of Justice.

The bona fide prospective purchaser provision in the 2002 brownfields act protects landowners from liability for cleanup costs. The agreement is valid only if they meet certain conditions. These include reviewing records and inspecting the site for the presence or possibility of contamination, demonstrating that the purchaser is not affiliated with any liable party, complying with land use restrictions, and cooperating with information requests.

Prospective purchaser agreements center on the EPA's promise not to sue a party that could buy contaminated property. Certain conditions also must be met for these agreements.

The agency also is reviewing the content of those agreements to determine whether their templates should be revised, the EPA noted in [guidance](#) signed April 17.

### Third-Party Liability

But third parties looking to take on contaminated sites may have another reason to hesitate, after an April 27 ruling from the U.S. Court of Appeals for the Ninth Circuit.

In [California Department of Toxic Substances Control v. Westside Delivery](#), the court ruled that a third party, Westside Delivery, was liable for the costs of cleanup the state performed at Westside's contaminated property in Los Angeles.

Westside acquired the property in a tax sale and didn't interact directly with the original owner, the Davis Chemical Co., which recycled spent solvents at the site. A 1992 EPA assessment of the site found significant spillage, according to court documents.

The defendant argued that it was protected from liability under Superfund law, but the court disagreed.

"This decision reinforces the golden rule of acquiring industrial property—look before you leap," Peter Hsiao, partner at Morrison Foerster LLP in Los Angeles, told Bloomberg Environment in an email. Hsiao's practice includes Superfund litigation and other types of environmental law.

On the other hand, the case may not affect many third parties that are interested in buying contaminated sites, Bart Seitz, partner at Baker Botts LLP in Washington, told Bloomberg Environment.

"On the narrow facts of this case, I don't think it's that common," he said. Seitz represents companies involved in Superfund litigation.

The EPA is reviewing the court's decision and will determine whether any changes need to be made to site-specific agreements or guidance, Mackey said.

### Politico

<https://subscriber.politicopro.com/energy/whiteboard/2018/05/epa-narrows-guidelines-for-aggregating-sources-for-air-permitting-1157347>

#### **EPA Narrows Guidelines for Aggregating Sources for Air Permitting**

By Alex Guillen, 5/3/18

EPA will alter its interpretation of when related facilities are considered a single source for air permitting purposes in a way that could ease their permitting requirements.

Permitting rules say that plants located near each other should be aggregated for permitting purposes if they are operated by the same entity, known as "common control." In that case, the facilities' emissions can be aggregated and be subject to more stringent permitting requirements than if treated separately.

In an April 30 [memo](#) concerning a common control designation for a Pennsylvania landfill and nearby biogas processing facility that are owned by different companies, EPA air chief Bill Wehrum revised the agency's interpretation so that facilities meet the definition if one entity has "the power or authority ... to dictate decisions of the other that could affect the applicability of, or compliance with, relevant air pollution regulatory requirements."

A dependent relationship should not necessarily mean common control, he added. Facilities can be "economically or operationally interconnected" without being able to direct the other.

In the immediate case of the Pennsylvania landfill and processing plant, Wehrum concluded that the two are not

commonly controlled because the landfill could otherwise meet methane emissions limits by burning off biogas and because the processing plant hopes to secure other sources of biogas.

WHAT'S NEXT: Ultimately, EPA's reasoning is only a recommendation. Pennsylvania regulators have the final say on whether these particular facilities fall under "common control."

## Washington Examiner

<https://www.washingtonexaminer.com/business/us-charges-ex-volkswagen-ceo-martin-winterkorn-in-emissions-scandal>

### US Charges Ex-Volkswagen CEO Martin Winterkorn in Emissions Scandal

By James Langford, 5/3/18

A federal grand jury has charged former Volkswagen CEO Martin Winterkorn with wire fraud in what prosecutors say was a long-running scheme to cheat diesel-emission standards for U.S. vehicles.

Winterkorn, 70, and other senior executives of the German carmaker conspired for about nine years to mislead investors and U.S. consumers about the ability of its "clean diesel" vehicles to comply with the country's rules, according to an indictment unsealed Thursday in U.S. District Court in Michigan. Winterkorn, who stepped down from the top job shortly after the federal investigation began, also faces three counts of wire fraud in a scandal that has weighed on the company's U.S. stock for more than two years.

"If you try to deceive the United States, then you will pay a heavy price," Attorney General Jeff Sessions, an appointee of President Trump, said in a statement. "The indictment unsealed today alleges that Volkswagen's scheme to cheat its legal requirements went all the way to the top of the company. These are serious allegations, and we will prosecute this case to the fullest extent of the law."

Environmental Protection Agency Administrator Scott Pruitt said the indictment sends "a clear message that EPA and its law enforcement partners will seek to hold corporate officers accountable for alleged criminal activities."

According to the indictment, Winterkorn and other Volkswagen executives implemented software that made VW and Audi diesel vehicles appear to meet U.S. emissions standards when they didn't, thus boosting the company's sales and, potentially, their own incomes.

The so-called defeat device, which tightened engine emission controls enough to meet requirements when the software recognized a test was being performed, was developed after VW executives realized the carmaker was unable to build a diesel engine that was both compliant and had market appeal, prosecutors said.

Under normal driving conditions, which the software also recognized, the diesel engines' emission-control systems were much less effective, allowing them to pump as much as 35 times more nitrogen oxides into the environment than U.S. regulators allowed, according to the indictment. The pollutants contribute to both smog and acid rain.

The Justice Department and the EPA notified Volkswagen of the investigation in late September 2015, and the company promised to cooperate. Winterkorn relinquished his roles as CEO and chairman of the supervisory board five days later.

"I am doing this in the interests of the company, even though I am not aware of any wrong doing on my part," he said at the time. "Volkswagen needs a fresh start — also in terms of personnel. I am clearing the way for this fresh start with my resignation."

The company's U.S. shares have climbed 8.2 percent since the investigation was disclosed, trailing 32 percent growth on the broader S&P 500.

Volkswagen "continues to cooperate with investigations by the Department of Justice," said Pietro Zollino, a company

spokesman. "It would not be appropriate to comment on individual cases."

Reuters

<https://www.reuters.com/article/us-usa-guns-trump/months-after-parkland-shooting-trump-to-embrace-nra-in-rally-like-speech-idUSKBN1I5OZR>

### **Months After Parkland Shooting, Trump to Embrace NRA in Rally-Like Speech**

By Jeff Mason, 5/4/18

President Donald Trump, who briefly pledged to "fight" the National Rifle Association after a February mass shooting at a Florida high school, is expected to throw his full weight behind the powerful gun rights group on Friday at an event in Dallas.

In addressing the gun lobbying group's annual convention, the Republican president will emphasize his support for gun rights in political terms, likely claiming again that Democrats want to take away Americans' firearms, a White House official said.

This will be Trump's fourth speech to the powerful NRA and, with control of the U.S. Congress up for grabs in November's midterm elections and campaigns under way, it is expected to include familiar warnings meant to excite the Republican voter base.

"These things typically are pretty 'rah, rah Second Amendment' types of addresses," the official said, adding that Trump likely will say that Democrats oppose the constitutional amendment that protects gun ownership.

The massacre that killed 17 people at Marjory Stoneman Douglas High School in Parkland, Florida, on Feb. 14 seemed to mark a turning point in America's long-running gun debate, sparking a youth-led movement for tighter gun controls.

Days after the shooting, Trump promised action on gun regulation and at a gathering of state officials, said this of the NRA: "We have to fight them every once in a while."

Since then, no major new federal gun controls have been imposed, although the administration is pursuing a proposed regulatory ban on bump stocks of the sort used in an October 2017 mass shooting in Las Vegas that killed 59 people.

A bump stock allows a semi-automatic rifle to fire like an automatic one. Semi-automatic assault rifles are sold widely in the United States, which has the world's highest per capita gun ownership rates. The NRA has fiercely defended America's gun ownership rights for many years, citing the Second Amendment.

#### **RHETORICAL SHIFT**

Since Parkland, Trump has largely moved his rhetoric back in line with the NRA, which endorsed him in his 2016 presidential election campaign and gave him its financial backing.

The group's convention in Texas will attract a strongly pro-Trump crowd, officials said, giving the president room to take some swipes at his opponents, review his record in office and complain about Special Counsel Robert Mueller's investigation of possible collusion between Trump's 2016 campaign and Russia.

The event was likely to be "reminiscent of rallies past," a second White House official said.

A Reuters/Ipsos poll found in March 2018 that 54 percent of adults wanted "strong regulations or restrictions" for firearms. That was up from 39 percent in a similar poll from April 2012.

Among Republicans in the poll, 40 percent wanted strong regulations or restrictions in March 2018, up from 22 percent in April 2012.

Trump met with NRA officials privately at the White House twice in February as he mulled policy responses to the shooting. He eventually endorsed an NRA proposal to arm teachers, a step the group said would help prevent mass school shootings. Gun control activists generally oppose that idea.

Trump initially expressed enthusiasm for measures to close loopholes for gun buyers seeking to avoid the background check system, raise the age limit for buying rifles, and find ways to seize guns temporarily from people reported to be dangerous.

He has since endorsed more modest proposals, such as legislation aimed at providing more data for the background check system. He did not endorse closing a loophole in existing law that would require background checks for guns bought at guns shows or sales arranged over the internet.

CNBC

<https://www.cnn.com/2018/05/03/mueller-focuses-on-links-between-roger-stone-trump-campaign-aide-gates.html>

### **Special Counsel Robert Mueller Focusing Sharply on Links Between Trump Confidant Roger Stone and Former Campaign Official Rick Gates, Sources Say**

By Brian Schwartz, 5/3/18

Special counsel [Robert Mueller](#) is focusing intensely on alleged interactions between former top Trump campaign official Rick Gates and political operative Roger Stone, one of President [Donald Trump](#)'s closest confidants, according to sources with direct knowledge of the matter.

Stone, a longtime advisor to Trump, is apparently [one of the top subjects of the Mueller investigation into potential collusion between the Kremlin and the Trump campaign](#), sources told CNBC on condition of anonymity.

The questions have been largely about what was discussed at meetings, including dinners, between Stone and Gates, before and during the campaign, said the sources, who have knowledge of the substance of the recent interviews.

In February, Gates [pleaded guilty to two counts](#) stemming from the Russia investigation, and he is cooperating with Mueller's probe.

The new developments indicate that Mueller's team is interested in Stone beyond his interactions with Wikileaks founder Julian Assange during the campaign.

An attorney for Stone, Robert Buschel, did not deny discussions took place between his client and Gates, but sought to downplay their importance.

"Roger Stone did not have any substantive or meaningful interaction with Rick Gates during or leading up to the 2016 campaign," Buschel told CNBC in a statement.

An attorney for Gates declined to comment. The special counsel's office declined to comment.

The link between Gates and Stone goes back to their work at what had been one of the most powerful lobbying firms in Washington, which was founded by Stone along with former Trump campaign chairman [Paul Manafort](#). The special counsel's probe has yielded two indictments against Manafort, [who is accused of several crimes](#), including bank fraud and conspiracy against the United States.

Gates joined the firm as an intern more three decades ago, and it is unclear how much work he did with Stone at the time.

The firm, called Black, Manafort, Stone and Kelly, was known for its work to help improve the image of controversial politicians, including Ferdinand Marcos of the Philippines, Mobutu Sese Seko of the Democratic Republic of the Congo

and the Russian-aligned former president of Ukraine, Viktor Yanukovich.

Gates joined the Trump campaign in the spring of 2016 and became Manafort's deputy. It was there where he became close to many of Trump's confidants. He remained with the campaign even after Manafort's ouster. Gates then worked on Trump's inaugural committee and co-founded the pro-Trump nonprofit group America First Policies.

In March, Gates was pulled into the Mueller inquiry when the special counsel's office filed a motion that claimed the former campaign aide had contact with a former agent of the Russian intelligence service in 2016. This came after Gates pleaded guilty to lying and conspiring against the United States, which could lead to possibly six years in prison. A sentencing date has yet to be announced.

For Stone, this is another potential hurdle in an ongoing investigation that continues to focus on him, among others.

Sam Nunberg, a former Trump campaign advisor, also said he was asked about Stone's involvement with Wikileaks during his interview before Mueller's grand jury in March.

"Roger is certainly a subject," Nunberg said. "The fact that Roger hasn't been called in and the special counsel continues to ask questions about Roger's possible activities during the election shows that at the very least he's a subject."

Stone allegedly met with Assange, the Wikileaks founder, in August 2016. In an email leaked to The Wall Street Journal, Stone said, "I dined with my new pal Julian Assange last nite."

Stone has denied that he has met with the Wikileaks founder and said the email was in jest.

During the 2016 campaign, Wikileaks published emails allegedly stolen from the Democratic National Committee's servers by a Russia-linked hacker known as "Guccifer 2.0."

## Wall Street Journal

<https://www.wsj.com/articles/the-kentucky-derby-favorite-is-seeking-to-outrun-a-ghost-1525431686>

### **The Kentucky Derby Favorite Is Seeking to Outrun A Ghost**

By Jim Chairusmi, 5/4/18

Bob Baffert is a four-time Kentucky Derby-winning trainer with a stable full of champion thoroughbreds, most recently sweeping the Triple Crown with American Pharoah in 2015. He often works with the sport's best horses, so it wasn't particularly noteworthy when a young colt named Justify entered his barn late last year.

"I just can't remember offhand," Baffert said last month about his earliest memories of Saturday's Kentucky Derby favorite.

But it didn't take long for the 65-year-old Baffert to take notice, after he saw the chestnut colt breeze in a workout at Santa Anita Park.

The dirt track at Santa Anita is deep and many horses can struggle over the surface, Baffert said. But not Justify.

"The first time I worked him [there] I knew he was something really special," Baffert said. "He just went around there and just did it effortlessly. And that's when I knew he was really a cut above the rest."

Justify went on to win his debut race in February and is undefeated in three starts, securing a berth in the Kentucky Derby after an easy three-length win in the Santa Anita Derby on April 7. That was enough for Churchill Downs oddsmaker Mike Battaglia to tap Justify as the 3-1 favorite, even though the Run for the Roses will be Justify's first race outside of the state of California.

But besides trying to beat 19 rivals to the finish line on Saturday, Justify and Baffert are also running against history. A horse that didn't race as a 2-year-old hasn't won the Kentucky Derby since a gelding named Apollo accomplished the feat in 1882. Since statistics were first kept in 1937, 61 horses have entered the Derby without racing at the age of 2. All have lost and only eight of the 61 even finished in the top-3.

The Kentucky Derby, a race in which only 3-year-old horses are eligible, is a stiff test for still-maturing thoroughbreds, with a large field and a boisterous crowd of over 150,000 fans, contested at a distance (1 ¼ miles) farther than any horse in the field has ever run. As a result, the popular consensus among horsemen has been to establish a racing foundation for a horse at an early age before attempting to run in classic races such as the Derby, Preakness and Belmont Stakes.

"The lack of experience is a very tough thing to overcome but in the case of Justify, if he had started at 2, he might not be in the position he is in today as the favorite," said Simon Bray, a former trainer and current analyst for the racing network TVG. "Physically, he's so big. I don't think he would have been as developed racing as a 2-year-old.

Hall of Fame jockey Jerry Bailey said the most impressive part about Justify is how quickly he's turned into a star, akin to a freshman in high school making the leap straight to the NBA.

"Justify is particularly challenged because [in addition] to not racing at age 2, he didn't even race until Feb. 18."

The so-called Curse of Apollo is something Baffert has heard a lot about, having come within 1 1/2 lengths of breaking it in 2012, when his trainee Bodemeister, who also didn't race as a 2-year-old, was overtaken just steps from the wire by I'll Have Another.

"The Apollo thing," Baffert said. "Whether it happens this year or whatever, it will happen."

Baffert said a big reason the streak hasn't been broken is that trainers used to start horses much earlier in their racing careers, something he said isn't fully the case now. "Trainers take their time. They don't run them as early 2-year-olds anymore," he said. "So I think the game has changed."

Bailey said an "exceptional" talent can overcome a lack of race experience.

"In this day and age, an inexperienced horse that didn't race at the age of 2, isn't running against horses that have run 10 times, 12 times, like they did 25 years ago. Most of the horses in the field are relatively lightly raced, so the disparity isn't as great," said Bailey, who is now an analyst for NBC Sports.

Trainer Todd Pletcher conditions Magnum Moon, the other late-developing, undefeated colt in this year's Derby field who is also looking to outrun the ghost of Apollo on Saturday.

"It's lasted long enough that I guess there has to be something to it. But I feel strongly that at some point someone's going to reverse the curse," Pletcher said.

Looking at the full field for the Derby, Bailey sees Justify as the likeliest winner.

"Magnum Moon is a good horse but I think Justify is several lengths faster than him. And probably several lengths faster than almost all of the field, except maybe Mendelssohn," said Bailey.

Coincidentally, the horse many consider to be the biggest threat to Justify in the Derby actually comes from the same bloodline. Mendelssohn—who secured a berth with an 18 1/2 length victory in the UAE Derby--and Justify were both sired by Scat Daddy. But horses by the same stallion, but birthed by a different dam (mother), are not considered related. Mendelssohn, conditioned by Irish trainer Aidan O'Brien, has won four of seven career starts.

Bray said he and Baffert were chatting one morning before the UAE Derby in Dubai when Baffert pointed to Mendelssohn.

"Baffert said, 'That horse is going to win the UAE Derby. The problem is, he's only the second-best Scat Daddy in the world right now. I have the best one.'"

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Our Southern Border is under siege. Congress must act now to change our weak and ineffective immigration laws. Must build a Wall. Mexico, which has a massive crime problem, is doing little to help!

6.3K 6.9K 28K



**To:** Jackson, Ryan[jackson.ryan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Konkus, John[konkus.john@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Block, Molly[block.molly@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]  
**From:** Hewitt, James  
**Sent:** Mon 12/11/2017 2:57:29 PM  
**Subject:** EPA News Highlights 12.11.17  
EPA News Highlights 12.11.17.docx

## **EPA News Highlights 12.11.17**

### **Portland Tribune: EPA targeting Portland Superfund site for 'immediate, intense' attention**

The Environmental Protection Agency says its targeting the Portland Harbor Superfund Site in the Willamette River for immediate attention. The EPA announced Friday that the Portland Harbor Superfund Site is one of 21 sites it plans to target across the country. In a statement, EPA Administrator Scott Pruitt says he's asking Superfund Task Force staff to immediately develop plans for cleanup at the sites, though environmentalists say they want more information about what the cleanup process will look like. "It would be a good thing to get this cleanup moving as quickly as possible and bring this harbor back to health," said Bob Sallinger, conservation director with the Audubon Society of Portland. "But that cannot mean cutting corners and letting polluters off the hook and lowering the cleanup standard."

### **KPAX: EPA names Butte and Anaconda as priority Superfund sites**

The U.S. Environmental Protection Agency named the Silver Bow Creek/Butte area and the Anaconda Smelter Superfund sites as two of the 21 top priorities in the nation for cleanup. The sites on the list will be targeted for immediate and intense attention. For the Silver Bow Creek/Butte area, the EPA has taken steps to accelerate negotiations and set a deadline for an agreement to ensure stormwater controls along Silver Bow and Blacktail creeks as well as review the water treatment plant for the Berkeley Pit. At the Anaconda Smelter site, the EPA has directed Atlantic Richfield to complete lead and arsenic sampling and cleanup of commercial and residential properties including another 1,000 homes over the next three years. The EPA also directed Atlantic Richfield to begin testing school grounds for lead and school interiors for lead and arsenic in the next few months.

### The New York Times: Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers

Scott Pruitt, the E.P.A. administrator, has said the Trump administration's high-profile regulatory rollback does not mean a free pass for violators of environmental laws. But as the Trump administration moves from one attention-grabbing headline to the next, it has taken a significant but less-noticed turn in the enforcement of federal pollution laws. An analysis of enforcement data by The New York Times shows that the administration has adopted a more lenient approach than the previous two administrations — Democratic and Republican — toward polluters like those in East Liverpool. The Times built a database of civil cases filed at the E.P.A. during the Trump, Obama and Bush administrations. During the first nine months under Mr. Pruitt's leadership, the E.P.A. started about 1,900 cases, about one-third fewer than the number under President Barack Obama's first E.P.A. director and about one-quarter fewer than under President George W. Bush's over the same time period

### The Associated Press: Providence superfund site among 2 priority from EPA

The U.S. Environmental Protection Agency says two sites in the Northeast are being prioritized for cleanup, including the Centredale Manor Restoration Project in North Providence. The project, the site of a chemical manufacturer from the 1940s to the 1970s, was among 21 nationwide slated for speedier cleanup and redevelopment under the superfund program, which provides federal resources to deal with some of the nation's most contaminated locations. The list was one of the recommendations put forth this summer by a superfund task force. The other site in the Northeast is the former Mohawk Tannery in Nashua, New Hampshire. Other sites on the list are in New Jersey, Montana, California, Missouri, Virginia, Kentucky, Mississippi, Indiana, Michigan, Nevada, Oklahoma, Texas, Iowa, Oregon and Washington.

### National News Highlights 12.4.17

#### Reuters: One person in custody, several injured, in New York explosion

An explosion rocked New York's Port Authority, one of the city's busiest commuter hubs in midtown Manhattan, during Monday morning's rush hour, injuring several people. Police confirmed one person is in custody but were not yet identifying the device used. Local news channel WABC cited police sources as saying a possible pipe bomb detonated in a passageway below ground at Port Authority. A police officer near the scene said: "There was an explosion under Port Authority somewhere in the subway. That's all we've got for now." Media reported several people were injured, and WPIX television reported, citing sources, that a man with a "possible second device" has been detained in the subway tunnel. New York City Mayor Bill de Blasio and President Donald Trump have been briefed on the incident, according to local media

and the White House.

### The Wall Street Journal: The Taxman Cometh: Senate Bill's Marginal Rates Could Top 100% for Some

Some high-income business owners could face marginal tax rates exceeding 100% under the Senate's tax bill, far beyond the listed rates in the Republican plan. That means a business owner's next \$100 in earnings, under certain circumstances, would require paying more than \$100 in additional federal and state taxes. As lawmakers rush to write the final tax bill over the next week, they already are looking at changes to prevent this from happening. Broadly, House and Senate Republicans are trying to reconcile their bills, looking for ways to pay for eliminating the most contentious proposals. The formal House-Senate conference committee will meet on Wednesday, and GOP lawmakers may unveil an agreement by week's end.

### The Wall Street Journal: Americans Give Trump Higher Grades on Economy Than Overall

Although President Donald Trump's overall approval ratings have dropped to the lowest point of his presidency, he is getting significantly higher marks in one important area: his handling of the economy. With the U.S. unemployment rate holding at a 17-year low, hiring strong and the stock market hitting regular records, Mr. Trump is getting stronger reviews from the public on the economy, with 42% approving and 37% disapproving, according to the most recent Wall Street Journal/NBC News survey, conducted in late October. That stands in stark contrast to his overall approval rating, which dropped last week to 32%, the lowest point of his 11-month presidency, according to a Pew Research Center poll. His disapproval rating of 68% in the same survey was also a new high. The WSJ poll showed the president with a 38% approval rating, his lowest to date in this poll, while 58% disapproved of his overall performance.

### TRUMP TWEETS

## **Portland Tribune**

<http://portlandtribune.com/pt/9-news/380911-268495-epa-targeting-portland-superfund-site-for-immediate-intense-attention>

### **EPA targeting Portland Superfund site for 'immediate, intense' attention**

By Ericka Cruz Guevarra, 12/10/17

The Environmental Protection Agency says its targeting the Portland Harbor Superfund Site in the Willamette River for immediate attention.

The EPA announced Friday that the Portland Harbor Superfund Site is one of 21 sites it plans to target across the country. In a statement, EPA Administrator Scott Pruitt says he's asking Superfund Task Force staff to immediately develop plans for cleanup at the sites, though environmentalists say they want more information about what the cleanup process will look like.

"It would be a good thing to get this cleanup moving as quickly as possible and bring this harbor back to health," said Bob Sallinger, conservation director with the Audubon Society of Portland. "But that cannot mean cutting corners and letting polluters off the hook and lowering the cleanup standard."

## KPAX

<http://www.kpax.com/story/37036181/epa-names-butte-and-anaconda-as-priority-superfund-sites>

### **EPA names Butte and Anaconda as priority Superfund sites**

By MTN News, 12/10/17

The U.S. Environmental Protection Agency named the Silver Bow Creek/Butte area and the Anaconda Smelter Superfund sites as two of the 21 top priorities in the nation for cleanup.

The sites on the list will be targeted for immediate and intense attention.

For the Silver Bow Creek/Butte area, the EPA has taken steps to accelerate negotiations and set a deadline for an agreement to ensure stormwater controls along Silver Bow and Blacktail creeks

as well as review the water treatment plant for the Berkeley Pit.

At the Anaconda Smelter site, the EPA has directed Atlantic Richfield to complete lead and arsenic sampling and cleanup of commercial and residential properties including another 1,000 homes over the next three years.

The EPA also directed Atlantic Richfield to begin testing school grounds for lead and school interiors for lead and arsenic in the next few months.

Butte and Anaconda were the only two Montana sites to make the list. New Jersey was the only state with more sites on the priority list with three listed.

## The New York Times

<https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers

By Eric Lipton and Danielle Ivory, 12/10/17

The highway billboard at the entrance to town still displays a giant campaign photograph of President Trump, who handily won the election across industrial Ohio. But a revolt is brewing here in East Liverpool over Mr. Trump's move to slow down the federal government's policing of air and water pollution.

The City Council moved unanimously last month to send a protest letter to the Environmental Protection Agency about a hazardous waste incinerator near downtown. Since Mr. Trump took office, the E.P.A. has not moved to punish the plant's owner, even after extensive evidence was assembled during the Obama administration that the plant had repeatedly, and illegally, released harmful pollutants into the air.

“I don’t know where we go,” Councilman William Hogue, a retired social studies teacher, said in frustration to his fellow council members. “They haven’t resolved anything.”

Scott Pruitt, the E.P.A. administrator, has said the Trump administration’s high-profile regulatory rollback does not mean a free pass for violators of environmental laws. But as the Trump administration moves from one attention-grabbing headline to the next, it has taken a significant but less-noticed turn in the enforcement of federal pollution laws.

An analysis of enforcement data by The New York Times shows that the administration has adopted a more lenient approach than the previous two administrations — Democratic and Republican — toward polluters like those in East Liverpool.

The Times built a database of civil cases filed at the E.P.A. during the Trump, Obama and Bush administrations. During the first nine months under Mr. Pruitt’s leadership, the E.P.A. started about 1,900 cases, about one-third fewer than the number under President Barack Obama’s first E.P.A. director and about one-quarter fewer than under President George W. Bush’s over the same time period.

In addition, the agency sought civil penalties of about \$50.4 million from polluters for cases initiated under Mr. Trump. Adjusted for inflation, that is about 39 percent of what the Obama administration sought and about 70 percent of what the Bush administration sought over the same time period.

The E.P.A., turning to one of its most powerful enforcement tools, also can force companies to retrofit their factories to cut pollution. Under Mr. Trump, those demands have dropped sharply. The agency has demanded about \$1.2 billion worth of such fixes, known as injunctive relief, in cases initiated during the nine-month period, which, adjusted for inflation, is about 12 percent of what was sought under Mr. Obama and 48 percent under Mr. Bush.

Resolving complicated pollution cases can take time, and the E.P.A. said it remained committed to ensuring companies obeyed environmental laws.

“E.P.A. and states work together to find violators and bring them back into compliance, and to punish intentional polluters,” the agency said in a statement. Officials said Mr. Pruitt was less fixated on seeking large penalties than some of his predecessors were.

“We focus more on bringing people back into compliance than bean counting,” the statement said.

After this article was posted, the E.P.A. issued a statement criticizing the report, and saying that “Administrator Scott Pruitt is committed to enforcement,” and that “there is no reduction in E.P.A.’s commitment to ensure compliance with our nation’s environmental laws.” (The full statement is [here](#).)

Confidential internal E.P.A. documents show that the enforcement slowdown coincides with major policy changes ordered by Mr. Pruitt’s team after pleas from oil and gas industry executives.

The documents, which were reviewed by The Times, indicate that E.P.A. enforcement officers across the country no longer have the authority to order certain air and water pollution tests, known as requests for information, without receiving permission from Washington. The tests are essential to building a case against polluters, the equivalent of the radar gun for state highway troopers.

At at least two of the agency’s most aggressive regional offices, requests for information involving companies suspected of polluting have fallen significantly under Mr. Trump, according to internal E.P.A. data.

In the last two complete fiscal years of the Obama administration, the E.P.A.’s office in Chicago sent requests for testing that covered an average of 50 facilities per year, or about 4.2 each month. By comparison, after the policy changes, one such request for a single facility was made in the subsequent four-month period. There was a similar decline in the Denver regional office, according to the data.

The enforcement slowdown has been compounded by the departure of more than 700 employees at the E.P.A. since Mr. Trump's election, many of them via buyouts intended to reduce the agency's size, and high-level political vacancies at the E.P.A. and the Justice Department. The agency's top enforcement officer — Susan Bodine — was confirmed only late last week.

Separately, Mr. Pruitt's team has told officials and industry representatives in Missouri, North Dakota and other states that E.P.A. enforcement officers will stand down on some pollution cases, according to agency documents. The retrenchment is said to be part of a nationwide handoff of many enforcement duties to state authorities, an effort Mr. Pruitt calls cooperative federalism but critics say is an industry-friendly way to ease up on polluters.

Current and recently departed E.P.A. staff members said the new direction has left many employees feeling frozen in place, and demoralized, particularly in the regional offices, which have investigators who are especially knowledgeable of local pollution threats.

"Certain people who are polluting are doing it with impunity right now and I think it is horrible," said Nicole Cantello, an E.P.A. lawyer in the Chicago office, who has worked at the agency for 26 years.

Ms. Cantello agreed to speak to The Times because she is protected by her status as a union official. The E.P.A. did not authorize agency employees to speak.

The Times asked top E.P.A. enforcement officials from the Obama and Bush administrations to review The Times's data, analysis and methodology. (Read more about The Times's methodology [here](#).) They said the slowdown signaled a sea change in enforcement under Mr. Trump.

"Those kinds of numbers are stark," said Granta Nakayama, a lawyer who served in the Bush administration as assistant administrator for the E.P.A.'s enforcement office and who now represents companies facing E.P.A. enforcement actions for the law firm King & Spalding, where he oversees the environmental practice.



“If you’re not filing cases, the cop’s not on the beat,” he said. “Or has the cop been taken off the beat?”

Cynthia Giles, the former assistant administrator for the E.P.A.’s enforcement office during the Obama administration, also prepared a separate version of the data. She described as a “stunning decline” the reduced efforts under Mr. Trump to require companies to bring their facilities into compliance with pollution laws.

“The Pruitt E.P.A. is cratering on the enforcement work that matters most: holding the biggest polluters accountable,” said Ms. Giles, now a director at the Energy & Environment Lab at the University of Chicago.

Some enforcement experts suggested that the E.P.A. under Mr. Pruitt might have filed fewer cases because it was going after larger penalties. But according to the Times analysis, most of the top penalties were smaller than those in the previous two administrations. And the nine-month window included the single largest civil case filed by the E.P.A., against Exxon Mobil.

On a midsummer afternoon in 2013, boiler ash and steam blasted through a breach at the Heritage Thermal Services hazardous waste incinerator, spewing hundreds of pounds of ash into a nearby neighborhood in East Liverpool and setting off a series of small fires at the plant.

Tests later showed that the ash, which looked like dirty clumps of cotton candy scattered across rooftops and lawns, contained toxic chemicals. In some samples, lead and arsenic were found at concentrations that “could pose a hazard to small children,” according to an Ohio Department of Health report. Heritage Thermal went door to door offering to wash people’s houses and replace vegetables in their gardens.

Sandra Estell, 64, who lives on a river bluff overlooking the plant, said the ash covered her brother’s Chevy Blazer and blanketed the street where she grew up. Even when the plant operates normally, she said, she smells the incinerator from her home — with the odor changing from rotten eggs to an electrical fire to something difficult to place.

Truckloads of hazardous waste often sit in the parking lot outside the plant, awaiting disposal. On the day of the accident in 2013, the plant was burning through a load of waste sent from an oil refinery in Toledo.

“It really just scares me,” Ms. Estell said of the incinerator.

The plant falls under the jurisdiction of the E.P.A. regional office in Chicago, which moved quickly to investigate the episode as a possible violation of the Clean Air Act, federal records show.

Investigators sent Heritage Thermal’s general manager what is known as a Section 114(a) request for detailed information on the explosion. Failing to answer the questions, warned George T. Czerniak, who was then the E.P.A.’s Chicago-based director of the air and radiation division, could result in punishment.

Heritage Thermal complied within weeks, and also disclosed that the plant had faced a series of related problems when pressure inside the incinerator had climbed to dangerous levels. Mr. Czerniak asked for more information about those episodes, and by March 2015 he had signed a formal letter of complaint, alleging a series of Clean Air Act violations that would very likely result in fines, as well as possible civil or criminal action.

“We are offering you an opportunity to confer with us about the violations,” Mr. Czerniak wrote in the letter. “You may have an attorney represent you at this conference.”

More than two and a half years later, the matter remains unresolved, leading to the letter of complaint to the E.P.A. last month from the East Liverpool City Council. The body is dominated by Democrats, but it says its motivation in criticizing the E.P.A. is based on concerns about public safety and not partisan politics.

John Mercer, a City Council member, said taking on air pollution issues at Heritage Thermal has

been a delicate matter because the area has lost thousands of jobs as steel and pottery manufacturing plants closed. “Heritage Thermal is one of the city’s largest employers,” he said. “We are all friends and neighbors with those that work there.”

Still, he said, residents want the matter resolved. “Our constituents deserve answers that no one seems to want to provide,” he said.

A spokesman for the E.P.A. declined to comment on the case’s status, as did Christopher T. Pherson, president of Heritage Thermal. The company said in a statement that it “is committed to continuously enhancing its performance and environmental compliance.”

Ms. Estell, who was critical of the plant even before it opened in the 1990s for being built near homes, blames the change in administrations in Washington for the inaction. “Something made them slam on the brakes,” she said.

Every administration runs into delays when investigating and enforcing environmental laws, and it is hard to pinpoint why any particular case might stall without access to confidential E.P.A. files. But the lack of action in East Liverpool mirrors a pattern of sluggish new enforcement activity under the Trump administration, as represented in data analyzed by The Times.

The Times identified more than a dozen companies or plants like Heritage Thermal that received notices of violation toward the end of the Obama administration, but as of late November had not faced E.P.A. penalties. The findings were based on agency files released through a Freedom of Information Act request to the Environmental Integrity Project, a nonprofit group run by a former E.P.A. enforcement chief.

Indiana Harbor Coke in East Chicago, Ind., has received at least three warning notices since 2015 for pollution violations, including hundreds of illegal emissions of lead, which can cause serious health problems, especially for children.

Other cases include TimkenSteel Corporation of Canton, Ohio, which was served with a notice in November 2015 for illegally emitting hazardous toxins, including mercury, which, when

inhaled in large quantities, can cause pulmonary edema, respiratory failure and death.

In Waterford, Ohio, Globe Metallurgical was cited in June 2015 and December 2016 for air pollution violations. The E.P.A. collected evidence that it was emitting illegal amounts of sulfur dioxide, which can irritate the nose and throat and, at very high concentrations, cause life-threatening accumulation of fluid in the lungs.

And in East Liverpool, just down the street from the Heritage Thermal incinerator, S.H. Bell was cited for allowing toxic levels of dust with heavy metal chemical additives such as manganese to drift beyond its property line.

Tests conducted near S.H. Bell found “the highest levels of ambient manganese concentrations in the United States,” a complaint issued during the Obama administration said. Health officials warned that the situation represented “a public health hazard and should be mitigated as soon as possible to reduce harmful exposures.”

Research led by the University of Cincinnati found in September that levels of manganese in the blood and hair of children in East Liverpool appeared to be related to lower I.Q. scores, a conclusion executives from S.H. Bell have disputed.

The E.P.A. moved in the final days of the Obama administration to resolve the S.H. Bell matter, proposing a consent decree in January that would require changes to reduce manganese dust levels and to improve monitoring.

Generally, a proposed consent decree is resolved within several months, but in March, the Trump administration asked a federal judge to delay the case so the E.P.A. could “brief incoming administration officials with decision-making responsibility” given that “many subordinate political positions at the agency remain unfilled.” The Justice Department has since asked the court to move ahead, but the case remains open.

A spokeswoman for S.H. Bell said that the company had moved to comply with the requirements and that its operations had not harmed residents. The E.P.A. said in a statement that it was

waiting for the court to act. “It would not be appropriate to discuss the open enforcement matters,” the statement said.

Roberta Pratt, 49, a bartender who lives with her family on a block situated between Heritage Thermal and S.H. Bell, said she worries constantly about the delays in enforcement at the facilities. The side of her house, she said, is stained with a rusty color from heavy metals that float through the air.

“It makes me feel like less of a mother,” said Ms. Pratt of the pollution problems. “You can’t protect your children.”

Fighting back tears, she added, “People say to me, ‘Why don’t you just pick up and move out of here?’ Well, I just don’t have the money to do that.”

#### Industry Gets a Sympathetic Ear

The memo was marked “Privileged/Confidential/Do Not Release” and was signed by Susan Shinkman, the director of civil enforcement at the E.P.A. and one of Mr. Pruitt’s top deputies in Washington at the time.

It arrived by email to agency employees across the country on May 31.

With four pages of detailed instructions, it directed E.P.A. investigators to seek authorization before asking companies to track their emissions with instruments that determine the type and amount of pollutants being released at their plants.

It also said investigators needed special authorization if they did not already have evidence that the company had quite likely violated the law, or if state authorities objected to the tests.

The scope was far-reaching, applying to possible violations of the Clean Air Act, the Clean Water Act and federal laws regulating hazardous waste plants.

The goal of these changes, the memo said, was to “ensure a more nationally consistent and complete accounting of federal compliance monitoring and enforcement activities.” But the directive arrived like a thunderbolt, upending one of the agency’s most effective methods in catching polluters, E.P.A. regional officials said, and one that was extremely unpopular with the oil and gas industry.

In the prior two years, investigators in the Chicago office had sent requests for information — which includes requests for testing — that covered 267 facilities in the six Midwest states it oversees, including in cases involving giant mountains of petcoke stored near residential neighborhoods in Chicago. A carbon and sulfur byproduct of refining oil, petcoke particles can become airborne and enter the lungs, causing serious health effects.

Investigators in the regional office in Denver, which handles many oil and gas cases, also sent out a series of requests during the Obama administration based on hints that energy producers were letting vast quantities of hazardous air pollutants escape into the atmosphere. The pollutants included benzene, which is a carcinogen, and methane, which is a major contributor to climate change. The investigations escalated after four workers at energy facilities in North Dakota were overcome by fumes and died.

As the Obama administration came to a close, companies had grown increasingly unhappy with the tests and began to fight them by turning to allies in Washington.

Koch Carbon, a subsidiary of Koch Industries, which operated two petcoke storage facilities in Chicago, challenged the E.P.A.’s authority to require the tests in a formal filing with the agency, E.P.A. documents show, although it still provided the information the agency had requested. The test results showed that its petcoke piles were, in fact, threatening neighbors and led to their removal.

Republicans in Congress, including Senator James M. Inhofe of Oklahoma, took up the cause for the oil and gas industry. In public hearings, Mr. Inhofe interrogated E.P.A. officials about the

tests and called them “a backdoor effort for the E.P.A. to cut greenhouse gas emissions.”

When Mr. Trump was elected and named Mr. Pruitt, the former Oklahoma attorney general, to lead the E.P.A., the complaints got a fresh — and sympathetic — hearing. Ms. Shinkman, in an interview, said she was instructed to write the new policy memo after Mr. Pruitt received letters of complaint from oil industry executives in North Dakota and Colorado. Ms. Shinkman retired from the E.P.A. in September; in its statement to The Times, the E.P.A. did not say whether the oil and gas industry had been a factor in its decision.

Ron Ness, the president of the North Dakota Petroleum Council, wrote to Mr. Pruitt in March describing the tests as burdensome and costly. “Under the previous administration, the E.P.A. initiated sweeping Clean Air Act (CAA) Section 114 information requests and threatened company-ending sanctions.” Mr. Ness wrote in a letter obtained by The Times.

In his response to Mr. Ness, Mr. Pruitt wrote that the E.P.A. would “develop best practices for the judicious use” of the requests, and also hand off much of the enforcement of air pollution laws to North Dakota officials, except on Indian lands where the federal government has jurisdiction.

“The E.P.A. acknowledges the critical role that the oil and gas industry plays in ensuring the nation’s energy independence through domestic energy production,” Mr. Pruitt wrote to Mr. Ness in July.

The change in North Dakota was part of a broader effort by the E.P.A. to give states more say in how to treat polluters.

In a letter to the Missouri Department of Natural Resources, Edward Chu, the deputy administrator of the E.P.A.’s regional office in Kansas, said the agency would back off some inspection and enforcement activity so the state could take the lead. “These shifts in direction do represent significant change,” Mr. Chu wrote.

Officials in North Dakota said the new arrangement there is leading to faster resolution of cases

involving the oil and gas industry.

“We are focused on compliance and fixes, not on big fines that are trumped up,” said Jim Semerad, who leads the division of the North Dakota Department of Health that enforces air emissions rules.

But some critics question the sincerity of Mr. Pruitt’s deference to state authorities, in part because it comes as the Trump administration has proposed cutting grants that help states pay for local enforcement. And the vigilance of some states in taking on the new responsibilities is also uncertain.

An audit by the E.P.A. inspector general in 2011 described North Dakota as “a state philosophically opposed to taking enforcement action” against polluters.

The state’s fines, moreover, are a tiny fraction of those imposed by the E.P.A. for the same violations, records obtained by The Times show, and some North Dakota settlements do not require the hiring of independent inspectors to ensure companies honor their promises.

In Ohio, a change in state law that was tucked into a budget bill this year cut funding for an inspector in East Liverpool, even as Ohio authorities found continued evidence of air pollution violations at the Heritage Thermal incinerator, according to state records obtained by The Times.

Ohio Environmental Services Industry, a trade group that represents Heritage Thermal and a handful of other hazardous waste companies, pushed for the change. The group said the facility would receive sufficient oversight without the dedicated state inspector.

The changes across the country, some lawyers suggest, are giving violators an upper hand in negotiating with the E.P.A.

Paul Calamita, who represents cities accused of violating the Clean Water Act when they release



sewage and contaminated storm water into rivers and lakes, recommends that clients team up with state governments to push back against the E.P.A.

Under President Trump, Mr. Calamita said, the E.P.A. and the Department of Justice have been willing to compromise, withdrawing a six-figure penalty in one instance after refusing to do so in two previous rounds of negotiations during the Obama administration.

“States with new Republican governors are following the Trump approach — providing compliance assistance at the outset to avoid enforcement where the discharger is cooperative,” he said in a presentation to utility executives from around the United States. “A state that pushes back on E.P.A. is likely to be successful.”

#### A Muscular Office Loses Muscle

The E.P.A. under Mr. Pruitt has pursued some high-profile prosecutions of polluters and has talked tough about companies like Fiat Chrysler, which like Volkswagen has been accused of installing software on its vehicles meant to evade emissions standards.

The agency’s biggest civil case filed since Mr. Trump took office involves Exxon Mobil, which was accused of not properly operating and monitoring industrial flares at its petrochemical facilities. Exxon agreed in October to pay \$2.5 million in civil penalties, some of which will go to Louisiana, and spend \$300 million to install new technology to reduce air pollution.

The agency on Friday also released a list of 21 Superfund sites contaminated with hazardous substances and pollutants that Mr. Pruitt has targeted for immediate and intense attention. One of the sites on the list, Tar Creek, a former lead and zinc mine, is in Oklahoma, where Mr. Pruitt once served as attorney general and state senator.

But more than a dozen current and former E.P.A. officials told The Times that the slowdown in enforcement is real on the ground, and that it is being directed from the top.

At the Ralph Metcalfe Federal Building in Chicago, which houses a regional office of the E.P.A., employees said it has become difficult to even start a new investigation. Because it covers states populated with Rust Belt industries, the Chicago office has traditionally been one of the busiest of the 10 regions.

An agency spokeswoman, in a statement, said “we have not rejected any requests for sampling, monitoring and testing” that were sent to headquarters as a result of the new policy. But agency staff said the memo made clear such requests were discouraged, and many fewer were being drafted.

Jeff Trevino, a lawyer in the Chicago office, who has worked for the agency for 27 years, said the new hurdles imposed by Mr. Pruitt had created “a Catch-22” because, with new policies effectively discouraging requests for information, investigators will have a harder time getting the data needed to detect and confirm violations.

Mr. Trevino, like other current E.P.A. employees, was not authorized by the agency to speak with The Times, and did so as a member of the labor union.

“We are the boots on the ground and we just are having a hard time now getting the information we need to do our job,” said Felicia Chase, who has worked for nearly a decade as a water pollution enforcement officer in the Chicago office, which covers states from Minnesota to Ohio. She was also speaking in her capacity as a union member.

Ms. Chase sat glumly in the cafeteria just before Thanksgiving. On a television set on the wall, President Trump could be seen offering an official pardon to a turkey, joking that he could not reverse Mr. Obama’s turkey pardons from the previous year.

Some workers said they would take the unusual step of asking members of Congress to protect funding for the work they do, while others said they held out hope that the new restrictions on information gathering would not be permanent. Ms. Shinkman, the retired author of the May memo, said she had hoped to avoid a sharp drop in requests for information, but she declined to elaborate how that would be possible.

Mr. Czerniak, who led the air pollution unit in Chicago until his retirement in 2016, said it was hard to watch the agency struggle through this new era.

“People at the agency are just being cautious, almost to the point of paralysis,” he said. “They do not want to do anything for fear of being told they have done something wrong — something the new administrator won’t like.”

## The Associated Press

<http://www.providencejournal.com/news/20171210/providence-superfund-site-among-2-priority-from-epa>

### **Providence superfund site among 2 priority from EPA**

By Staff, 12/10/17

The U.S. Environmental Protection Agency says two sites in the Northeast are being prioritized for cleanup, including the Centredale Manor Restoration Project in North Providence.

The project, the site of a chemical manufacturer from the 1940s to the 1970s, was among 21 nationwide slated for speedier cleanup and redevelopment under the superfund program, which provides federal resources to deal with some of the nation’s most contaminated locations. The list was one of the recommendations put forth this summer by a superfund task force.

The other site in the Northeast is the former Mohawk Tannery in Nashua, New Hampshire. Other sites on the list are in New Jersey, Montana, California, Missouri, Virginia, Kentucky, Mississippi, Indiana, Michigan, Nevada, Oklahoma, Texas, Iowa, Oregon and Washington.

## Reuters

<https://www.reuters.com/article/us-newyork-incident/one-person-in-custody-several-injured-in-new-york-explosion-idUSKBN1E51E9>

## **One person in custody, several injured, in New York explosion**

By Staff, 12/11/17

An explosion rocked New York's Port Authority, one of the city's busiest commuter hubs in midtown Manhattan, during Monday morning's rush hour, injuring several people.

Police confirmed one person is in custody but were not yet identifying the device used. Local news channel WABC cited police sources as saying a possible pipe bomb detonated in a passageway below ground at Port Authority.

A police officer near the scene said: "There was an explosion under Port Authority somewhere in the subway. That's all we've got for now."

Media reported several people were injured, and WPIX television reported, citing sources, that a man with a "possible second device" has been detained in the subway tunnel.

New York City Mayor Bill de Blasio and President Donald Trump have been briefed on the incident, according to local media and the White House.

"There was a stampede up the stairs to get out," said Diego Fernandez, one of the commuters at Port Authority. "Everybody was scared and running and shouting."

## **The Wall Street Journal**

<https://www.wsj.com/articles/the-taxman-cometh-senate-bills-marginal-rates-could-top-100-for-some-1512942118?mg=prod/accounts-wsj>

### **The Taxman Cometh: Senate Bill's Marginal Rates Could Top 100% for Some**

By Richard Rubin, 12/10/17

Some high-income business owners could face marginal tax rates exceeding 100% under the Senate's tax bill, far beyond the listed rates in the Republican plan.

That means a business owner's next \$100 in earnings, under certain circumstances, would require paying more than \$100 in additional federal and state taxes.

As lawmakers rush to write the final tax bill over the next week, they already are looking at changes to prevent this from happening. Broadly, House and Senate Republicans are trying to reconcile their bills, looking for ways to pay for eliminating the most contentious proposals. The formal House-Senate conference committee will meet on Wednesday, and GOP lawmakers may unveil an agreement by week's end.

The possible marginal tax rate of more than 100% results from the combination of tax policies designed to provide benefits to businesses and families but then deny them to the richest people. As income climbs and those breaks phase out, each dollar of income faces regular tax rates and a hidden marginal rate on top of that, in the form of vanishing tax breaks. That structure, if maintained in a final law, would create some of the disincentives to working and to earning business profit that Republicans have long complained about, while opening lucrative avenues for tax avoidance.

As a taxpayer's income gets much higher and moves out of those phaseout ranges, the marginal tax rates would go down.

Consider, for example, a married, self-employed New Jersey lawyer with three children and earnings of about \$615,000. Getting \$100 more in business income would force the lawyer to pay \$105.45 in federal and state taxes, according to calculations by the conservative-leaning Tax Foundation. That is more than double the marginal tax rate that household faces today.

If the New Jersey lawyer's stay-at-home spouse wanted a job, the first \$100 of the spouse's

wages would require \$107.79 in taxes. And the tax rates for similarly situated residents of California and New York City would be even higher, the Tax Foundation found. Analyses by the Tax Policy Center, which is run by a former Obama administration official, find similar results, with federal marginal rates as high as 85%, and those don't include items such as state taxes, self-employment taxes or the phase-out of child tax credits.

The bill as written would provide incentives for business owners to shift profit across calendar years, move personal expenses inside the business and engage in other economically unproductive maneuvers, said David Gamage, a tax-law professor at Indiana University.

"I would expect a huge tax-gaming response once people fully understand how it works," said Mr. Gamage, a former Treasury Department official, who said business owners have an easier time engaging in such tax avoidance than salaried employees do. "The payoff for gaming is huge, within the set of people who both face these rates and have flexible enough business structures."

The analyses "raise a valid concern" that lawmakers are examining, said Julia Lawless, a spokeswoman for the Senate Finance Committee.

"With any major reform, there will always be unusual hypotheticals delivering anomalous results," she said. "The goal of Congress's tax overhaul has been to lower taxes on the American people and by and large, according to a variety of analyses, we're achieving that."

Marginal tax rates are different from average tax rates. A marginal rate is the tax on the edge, or margin, of one's earnings, and so it reflects what would be the next dollar of income. The average rate is a way of measuring a taxpayer's total burden.

The Republican bills are trying to reduce both marginal and average tax rates, and for many taxpayers, they do. The marginal tax rates above 100% affect a small slice of households with very particular circumstances. Similar, though smaller, effects occur throughout the tax system.

"This is a big concern," said Scott Greenberg, a Tax Foundation analyst. "It would be

unfortunate if Congress passed a tax bill that had the effect of making additional work and additional income not worthwhile for any subgroup of households.”

Here’s how that New Jersey lawyer’s marginal rate adds up to more than 100%:

The household is paying the 35% marginal tax rate on their income range. Or, they are paying the alternative minimum tax, which operates at the same marginal rate in that income range.

The household is paying New Jersey’s highest income-tax rate, which is 8.97%, and now has to pay all of that because the Republican tax plan wouldn’t let such state or local taxes be deducted from federal income.

The household is also losing a deduction the Senate created for so-called pass-through businesses such as partnerships and S corporations. That 23% deduction is fully available to owners of service businesses like law firms, but only if income is below \$500,000 for a married couple.

The deduction then phases out over \$100,000 in income, according to a complex formula, disappearing entirely once income reaches \$624,000. Up to that point, each additional dollar of business income faces progressively steeper tax rates because the deduction and its benefit are shrinking rapidly as income goes up.

The provisions also interact with each other in ways that drive up marginal rates. “The central problem here is that there is a large benefit phasing out over a short range,” Mr. Greenberg said.

The Republican bill doubles the child tax credit to \$2,000 but phases it out beginning at \$500,000 income for joint filers. The credit shrinks by \$50 for every \$1,000 in income above that, so a married couple with three children faces a higher marginal tax rate when they’re in that phase-out range.

The analysis assumes that the New Jersey lawyer is paying a 3.8% tax on self-employment income.

Pushing marginal rates lower on these households wouldn't be easy and would require tradeoffs. Republicans could make the phaseout of the business deduction more gentle, spreading it over, say, \$200,000, as opposed to \$100,000, of income above \$500,000. But that would make the tax cuts bigger, and Republicans are already looking for money to offset other changes they are planning.

They could lower the threshold for the child tax credit, but that would reduce tax cuts for households below \$500,000.

Under current law, there are some high marginal tax rates for some lower-income households. Some families just above the poverty line can see their earned income tax credits and food stamps going down as their federal and state taxes go up. That combination can create marginal tax rates of around 75%, according to the Congressional Budget Office.

## The Wall Street Journal

<https://www.wsj.com/articles/americans-give-trump-higher-grades-on-economy-than-overall-1512925084>

### **Americans Give Trump Higher Grades on Economy Than Overall**

By Eli Stokols, 12/10/17

Although President Donald Trump's overall approval ratings have dropped to the lowest point of his presidency, he is getting significantly higher marks in one important area: his handling of the economy.



With the U.S. unemployment rate holding at a 17-year low, hiring strong and the stock market hitting regular records, Mr. Trump is getting stronger reviews from the public on the economy, with 42% approving and 37% disapproving, according to the most recent Wall Street Journal/NBC News survey, conducted in late October.

That stands in stark contrast to his overall approval rating, which dropped last week to 32%, the lowest point of his 11-month presidency, according to a Pew Research Center poll. His disapproval rating of 68% in the same survey was also a new high.

The WSJ poll showed the president with a 38% approval rating, his lowest to date in this poll, while 58% disapproved of his overall performance.

A Gallup survey from November showed the president's approval rating for his handling of the economy at 45%, eight points ahead of his overall approval number, which sagged to 37%.

"He's a political contortionist in that he has high economic numbers and very low personal approval ratings. That's almost impossible to do," said Peter Hart, a veteran Democratic pollster.

On Friday, the White House celebrated the December jobs report that showed the economy gaining 228,000 jobs in November.

"President Trump's bold economic vision continues to pay off," White House Press Secretary Sarah Huckabee Sanders said in a statement that also referenced an increase in manufacturing jobs since the president took office. "As we continue to unleash the American economy from unnecessary regulation and taxes, we look forward to seeing more reports like this, showing a healthy and thriving jobs market for the American people."

The president expects to sign a final version of the GOP's \$1.4 trillion tax overhaul before the end of the year. White House political director Bill Stepien, who didn't respond to a request to comment, has expressed confidence in the past that strong economic numbers, especially in the states Mr. Trump won in the 2016 election, will be enough to help him overcome other political liabilities.

"The issues that drove the 2016 election—change Washington and fix the economy—continue to break President Trump's way. Today's strong economy is a bulwark for the party in power as it faces the electorate next year in congressional elections," said Bill McInturff of the Republican polling firm Public Opinion Strategies. Mr. McInturff directs the Journal/NBC News poll with Democrat Fred Yang.

Mr. Hart isn't so sure. He pointed to a recent focus group he conducted with North Carolina voters. He said they were less willing to forgive Mr. Trump's sometimes controversial behavior amidst a strong economy than they were with President Bill Clinton two decades earlier.

"During the Clinton impeachment, people said, 'Look, the economy is doing fine.' They weren't in a mood to pursue impeachment," Mr. Hart said. "What's different now is the country is looking for an equilibrium and the president keeps the country constantly on edge. There's never enough of a lull for voters to get their breath and say, 'I'm comfortable.' And that's why Trump doesn't get the full political benefit of the economic growth."

Some administration allies have been trying to impress upon the president and his communications team that he would be in a stronger political position if he created fewer distractions with his tweets, according to people familiar with those conversations.

## **TRUMP TWEETS**

N/A

## **EPA News Highlights 12.11.17**

### **Portland Tribune: EPA targeting Portland Superfund site for 'immediate, intense' attention**

The Environmental Protection Agency says its targeting the Portland Harbor Superfund Site in the Willamette River for immediate attention. The EPA announced Friday that the Portland Harbor Superfund Site is one of 21 sites it plans to target across the country. In a statement, EPA Administrator Scott Pruitt says he's asking Superfund Task Force staff to immediately develop plans for cleanup at the sites, though environmentalists say they want more information about what the cleanup process will look like. "It would be a good thing to get this cleanup moving as quickly as possible and bring this harbor back to health," said Bob Sallinger, conservation director with the Audubon Society of Portland. "But that cannot mean cutting corners and letting polluters off the hook and lowering the cleanup standard."

### **KPAX: EPA names Butte and Anaconda as priority Superfund sites**

The U.S. Environmental Protection Agency named the Silver Bow Creek/Butte area and the Anaconda Smelter Superfund sites as two of the 21 top priorities in the nation for cleanup. The sites on the list will be targeted for immediate and intense attention. For the Silver Bow Creek/Butte area, the EPA has taken steps to accelerate negotiations and set a deadline for an agreement to ensure stormwater controls along Silver Bow and Blacktail creeks as well as review the water treatment plant for the Berkeley Pit. At the Anaconda Smelter site, the EPA has directed Atlantic Richfield to complete lead and arsenic sampling and cleanup of commercial and residential properties including another 1,000 homes over the next three years. The EPA also directed Atlantic Richfield to begin testing school grounds for lead and school interiors for lead and arsenic in the next few months.

### **The New York Times: Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers**

Scott Pruitt, the E.P.A. administrator, has said the Trump administration's high-profile regulatory rollback does not mean a free pass for violators of environmental laws. But as the Trump administration moves from one attention-grabbing headline to the next, it has taken a significant but less-noticed turn in the enforcement of federal pollution laws. An analysis of enforcement data by The New York Times shows that the administration has adopted a more lenient approach than the previous two administrations — Democratic and Republican — toward polluters like those in East Liverpool. The Times built a database of civil cases filed at the E.P.A. during the Trump, Obama and Bush administrations. During the first nine months under Mr. Pruitt's leadership, the E.P.A. started about 1,900 cases, about one-third fewer than the number under President Barack Obama's first E.P.A. director and about one-quarter fewer than under President George W. Bush's over the same time period.

### **The Associated Press: Providence superfund site among 2 priority from EPA**

The U.S. Environmental Protection Agency says two sites in the Northeast are being prioritized for cleanup, including the Centredale Manor Restoration Project in North Providence. The project, the site of a chemical manufacturer from the 1940s to the 1970s, was among 21 nationwide slated for speedier cleanup and redevelopment under the superfund program, which provides federal resources to deal with some of the nation's most contaminated locations. The list was one of the recommendations put forth this summer by a superfund task force. The other site in the Northeast is the former Mohawk Tannery in Nashua, New Hampshire. Other sites on the list are in New Jersey, Montana, California, Missouri, Virginia, Kentucky, Mississippi, Indiana, Michigan, Nevada, Oklahoma, Texas, Iowa, Oregon and Washington.

## **National News Highlights 12.4.17**

### **Reuters: One person in custody, several injured, in New York explosion**

An explosion rocked New York's Port Authority, one of the city's busiest commuter hubs in midtown Manhattan, during Monday morning's rush hour, injuring several people. Police confirmed one person is in custody but were not yet identifying the device used. Local news channel WABC cited police sources as saying a possible pipe bomb detonated in a passageway below ground at Port Authority. A police officer near the scene said: "There was an explosion under Port Authority somewhere in the subway. That's all we've got for now." Media reported several people were injured, and WPIX television reported, citing sources, that a man with a "possible second device" has been detained in the subway.

tunnel. New York City Mayor Bill de Blasio and President Donald Trump have been briefed on the incident, according to local media and the White House.

#### The Wall Street Journal: The Taxman Cometh: Senate Bill's Marginal Rates Could Top 100% for Some

Some high-income business owners could face marginal tax rates exceeding 100% under the Senate's tax bill, far beyond the listed rates in the Republican plan. That means a business owner's next \$100 in earnings, under certain circumstances, would require paying more than \$100 in additional federal and state taxes. As lawmakers rush to write the final tax bill over the next week, they already are looking at changes to prevent this from happening. Broadly, House and Senate Republicans are trying to reconcile their bills, looking for ways to pay for eliminating the most contentious proposals. The formal House-Senate conference committee will meet on Wednesday, and GOP lawmakers may unveil an agreement by week's end.

#### The Wall Street Journal: Americans Give Trump Higher Grades on Economy Than Overall

Although President Donald Trump's overall approval ratings have dropped to the lowest point of his presidency, he is getting significantly higher marks in one important area: his handling of the economy. With the U.S. unemployment rate holding at a 17-year low, hiring strong and the stock market hitting regular records, Mr. Trump is getting stronger reviews from the public on the economy, with 42% approving and 37% disapproving, according to the most recent Wall Street Journal/NBC News survey, conducted in late October. That stands in stark contrast to his overall approval rating, which dropped last week to 32%, the lowest point of his 11-month presidency, according to a Pew Research Center poll. His disapproval rating of 68% in the same survey was also a new high. The WSJ poll showed the president with a 38% approval rating, his lowest to date in this poll, while 58% disapproved of his overall performance.

#### TRUMP TWEETS

### Portland Tribune

<http://portlandtribune.com/pt/9-news/380911-268495-epa-targeting-portland-superfund-site-for-immediate-intense-attention>

#### **EPA targeting Portland Superfund site for 'immediate, intense' attention**

By Ericka Cruz Guevarra, 12/10/17

The Environmental Protection Agency says its targeting the Portland Harbor Superfund Site in the Willamette River for immediate attention.

The EPA announced Friday that the Portland Harbor Superfund Site is one of 21 sites it plans to target across the country. In a statement, EPA Administrator Scott Pruitt says he's asking Superfund Task Force staff to immediately develop plans for cleanup at the sites, though environmentalists say they want more information about what the cleanup process will look like.

"It would be a good thing to get this cleanup moving as quickly as possible and bring this harbor back to health," said Bob Sallinger, conservation director with the Audubon Society of Portland. "But that cannot mean cutting corners and letting polluters off the hook and lowering the cleanup standard."

### KPAX

<http://www.kpax.com/story/37036181/epa-names-butte-and-anaconda-as-priority-superfund-sites>

#### **EPA names Butte and Anaconda as priority Superfund sites**

By MTN News, 12/10/17

The U.S. Environmental Protection Agency named the Silver Bow Creek/Butte area and the Anaconda Smelter Superfund sites as two of the 21 top priorities in the nation for cleanup.

The sites on the list will be targeted for immediate and intense attention.

For the Silver Bow Creek/Butte area, the EPA has taken steps to accelerate negotiations and set a deadline for an agreement to ensure stormwater controls along Silver Bow and Blacktail creeks as well as review the water treatment plant for the Berkeley Pit.

At the Anaconda Smelter site, the EPA has directed Atlantic Richfield to complete lead and arsenic sampling and cleanup of commercial and residential properties including another 1,000 homes over the next three years.

The EPA also directed Atlantic Richfield to begin testing school grounds for lead and school interiors for lead and arsenic in the next few months.

Butte and Anaconda were the only two Montana sites to make the list. New Jersey was the only state with more sites on the priority list with three listed.

## The New York Times

<https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers

By Eric Lipton and Danielle Ivory, 12/10/17

The highway billboard at the entrance to town still displays a giant campaign photograph of President Trump, who handily won the election across industrial Ohio. But a revolt is brewing here in East Liverpool over Mr. Trump's move to slow down the federal government's policing of air and water pollution.

The City Council moved unanimously last month to send a protest letter to the Environmental Protection Agency about a hazardous waste incinerator near downtown. Since Mr. Trump took office, the E.P.A. has not moved to punish the plant's owner, even after extensive evidence was assembled during the Obama administration that the plant had repeatedly, and illegally, released harmful pollutants into the air.

"I don't know where we go," Councilman William Hogue, a retired social studies teacher, said in frustration to his fellow council members. "They haven't resolved anything."

Scott Pruitt, the E.P.A. administrator, has said the Trump administration's high-profile regulatory rollback does not mean a free pass for violators of environmental laws. But as the Trump administration moves from one attention-grabbing headline to the next, it has taken a significant but less-noticed turn in the enforcement of federal pollution laws.

An analysis of enforcement data by The New York Times shows that the administration has adopted a more lenient approach than the previous two administrations — Democratic and Republican — toward polluters like those in East Liverpool.

The Times built a database of civil cases filed at the E.P.A. during the Trump, Obama and Bush administrations. During the first nine months under Mr. Pruitt's leadership, the E.P.A. started about 1,900 cases, about one-third fewer than the number under President Barack Obama's first E.P.A. director and about one-quarter fewer than under President George W. Bush's over the same time period.

In addition, the agency sought civil penalties of about \$50.4 million from polluters for cases initiated under Mr. Trump. Adjusted for inflation, that is about 39 percent of what the Obama administration sought and about 70 percent of what the Bush administration sought over the same time period.

The E.P.A., turning to one of its most powerful enforcement tools, also can force companies to retrofit their factories to

cut pollution. Under Mr. Trump, those demands have dropped sharply. The agency has demanded about \$1.2 billion worth of such fixes, known as injunctive relief, in cases initiated during the nine-month period, which, adjusted for inflation, is about 12 percent of what was sought under Mr. Obama and 48 percent under Mr. Bush.

Resolving complicated pollution cases can take time, and the E.P.A. said it remained committed to ensuring companies obeyed environmental laws.

“E.P.A. and states work together to find violators and bring them back into compliance, and to punish intentional polluters,” the agency said in a statement. Officials said Mr. Pruitt was less fixated on seeking large penalties than some of his predecessors were.

“We focus more on bringing people back into compliance than bean counting,” the statement said.

After this article was posted, the E.P.A. issued a statement criticizing the report, and saying that “Administrator Scott Pruitt is committed to enforcement,” and that “there is no reduction in E.P.A.’s commitment to ensure compliance with our nation’s environmental laws.” (The full statement is [here](#).)

Confidential internal E.P.A. documents show that the enforcement slowdown coincides with major policy changes ordered by Mr. Pruitt’s team after pleas from oil and gas industry executives.

The documents, which were reviewed by The Times, indicate that E.P.A. enforcement officers across the country no longer have the authority to order certain air and water pollution tests, known as requests for information, without receiving permission from Washington. The tests are essential to building a case against polluters, the equivalent of the radar gun for state highway troopers.

At at least two of the agency’s most aggressive regional offices, requests for information involving companies suspected of polluting have fallen significantly under Mr. Trump, according to internal E.P.A. data.

In the last two complete fiscal years of the Obama administration, the E.P.A.’s office in Chicago sent requests for testing that covered an average of 50 facilities per year, or about 4.2 each month. By comparison, after the policy changes, one such request for a single facility was made in the subsequent four-month period. There was a similar decline in the Denver regional office, according to the data.

The enforcement slowdown has been compounded by the departure of more than 700 employees at the E.P.A. since Mr. Trump’s election, many of them via buyouts intended to reduce the agency’s size, and high-level political vacancies at the E.P.A. and the Justice Department. The agency’s top enforcement officer — Susan Bodine — was confirmed only late last week.

Separately, Mr. Pruitt’s team has told officials and industry representatives in Missouri, North Dakota and other states that E.P.A. enforcement officers will stand down on some pollution cases, according to agency documents. The retrenchment is said to be part of a nationwide handoff of many enforcement duties to state authorities, an effort Mr. Pruitt calls cooperative federalism but critics say is an industry-friendly way to ease up on polluters.

Current and recently departed E.P.A. staff members said the new direction has left many employees feeling frozen in place, and demoralized, particularly in the regional offices, which have investigators who are especially knowledgeable of local pollution threats.

“Certain people who are polluting are doing it with impunity right now and I think it is horrible,” said Nicole Cantello, an E.P.A. lawyer in the Chicago office, who has worked at the agency for 26 years.

Ms. Cantello agreed to speak to The Times because she is protected by her status as a union official. The E.P.A. did not

authorize agency employees to speak.

The Times asked top E.P.A. enforcement officials from the Obama and Bush administrations to review The Times's data, analysis and methodology. (Read more about The Times's methodology [here](#).) They said the slowdown signaled a sea change in enforcement under Mr. Trump.

"Those kinds of numbers are stark," said Granta Nakayama, a lawyer who served in the Bush administration as assistant administrator for the E.P.A.'s enforcement office and who now represents companies facing E.P.A. enforcement actions for the law firm King & Spalding, where he oversees the environmental practice.

"If you're not filing cases, the cop's not on the beat," he said. "Or has the cop been taken off the beat?"

Cynthia Giles, the former assistant administrator for the E.P.A.'s enforcement office during the Obama administration, also prepared a separate version of the data. She described as a "stunning decline" the reduced efforts under Mr. Trump to require companies to bring their facilities into compliance with pollution laws.

"The Pruitt E.P.A. is cratering on the enforcement work that matters most: holding the biggest polluters accountable," said Ms. Giles, now a director at the Energy & Environment Lab at the University of Chicago.

Some enforcement experts suggested that the E.P.A. under Mr. Pruitt might have filed fewer cases because it was going after larger penalties. But according to the Times analysis, most of the top penalties were smaller than those in the previous two administrations. And the nine-month window included the single largest civil case filed by the E.P.A., against Exxon Mobil.

On a midsummer afternoon in 2013, boiler ash and steam blasted through a breach at the Heritage Thermal Services hazardous waste incinerator, spewing hundreds of pounds of ash into a nearby neighborhood in East Liverpool and setting off a series of small fires at the plant.

Tests later showed that the ash, which looked like dirty clumps of cotton candy scattered across rooftops and lawns, contained toxic chemicals. In some samples, lead and arsenic were found at concentrations that "could pose a hazard to small children," according to an Ohio Department of Health report. Heritage Thermal went door to door offering to wash people's houses and replace vegetables in their gardens.

Sandra Estell, 64, who lives on a river bluff overlooking the plant, said the ash covered her brother's Chevy Blazer and blanketed the street where she grew up. Even when the plant operates normally, she said, she smells the incinerator from her home — with the odor changing from rotten eggs to an electrical fire to something difficult to place.

Truckloads of hazardous waste often sit in the parking lot outside the plant, awaiting disposal. On the day of the accident in 2013, the plant was burning through a load of waste sent from an oil refinery in Toledo.

"It really just scares me," Ms. Estell said of the incinerator.

The plant falls under the jurisdiction of the E.P.A. regional office in Chicago, which moved quickly to investigate the episode as a possible violation of the Clean Air Act, federal records show.

Investigators sent Heritage Thermal's general manager what is known as a Section 114(a) request for detailed information on the explosion. Failing to answer the questions, warned George T. Czerniak, who was then the E.P.A.'s Chicago-based director of the air and radiation division, could result in punishment.

Heritage Thermal complied within weeks, and also disclosed that the plant had faced a series of related problems when pressure inside the incinerator had climbed to dangerous levels. Mr. Czerniak asked for more information about those

episodes, and by March 2015 he had signed a formal letter of complaint, alleging a series of Clean Air Act violations that would very likely result in fines, as well as possible civil or criminal action.

“We are offering you an opportunity to confer with us about the violations,” Mr. Czerniak wrote in the letter. “You may have an attorney represent you at this conference.”

More than two and a half years later, the matter remains unresolved, leading to the letter of complaint to the E.P.A. last month from the East Liverpool City Council. The body is dominated by Democrats, but it says its motivation in criticizing the E.P.A. is based on concerns about public safety and not partisan politics.

John Mercer, a City Council member, said taking on air pollution issues at Heritage Thermal has been a delicate matter because the area has lost thousands of jobs as steel and pottery manufacturing plants closed. “Heritage Thermal is one of the city’s largest employers,” he said. “We are all friends and neighbors with those that work there.”

Still, he said, residents want the matter resolved. “Our constituents deserve answers that no one seems to want to provide,” he said.

A spokesman for the E.P.A. declined to comment on the case’s status, as did Christopher T. Pherson, president of Heritage Thermal. The company said in a statement that it “is committed to continuously enhancing its performance and environmental compliance.”

Ms. Estell, who was critical of the plant even before it opened in the 1990s for being built near homes, blames the change in administrations in Washington for the inaction. “Something made them slam on the brakes,” she said.

Every administration runs into delays when investigating and enforcing environmental laws, and it is hard to pinpoint why any particular case might stall without access to confidential E.P.A. files. But the lack of action in East Liverpool mirrors a pattern of sluggish new enforcement activity under the Trump administration, as represented in data analyzed by The Times.

The Times identified more than a dozen companies or plants like Heritage Thermal that received notices of violation toward the end of the Obama administration, but as of late November had not faced E.P.A. penalties. The findings were based on agency files released through a Freedom of Information Act request to the Environmental Integrity Project, a nonprofit group run by a former E.P.A. enforcement chief.

Indiana Harbor Coke in East Chicago, Ind., has received at least three warning notices since 2015 for pollution violations, including hundreds of illegal emissions of lead, which can cause serious health problems, especially for children.

Other cases include TimkenSteel Corporation of Canton, Ohio, which was served with a notice in November 2015 for illegally emitting hazardous toxins, including mercury, which, when inhaled in large quantities, can cause pulmonary edema, respiratory failure and death.

In Waterford, Ohio, Globe Metallurgical was cited in June 2015 and December 2016 for air pollution violations. The E.P.A. collected evidence that it was emitting illegal amounts of sulfur dioxide, which can irritate the nose and throat and, at very high concentrations, cause life-threatening accumulation of fluid in the lungs.

And in East Liverpool, just down the street from the Heritage Thermal incinerator, S.H. Bell was cited for allowing toxic levels of dust with heavy metal chemical additives such as manganese to drift beyond its property line.

Tests conducted near S.H. Bell found “the highest levels of ambient manganese concentrations in the United States,” a complaint issued during the Obama administration said. Health officials warned that the situation represented “a public health hazard and should be mitigated as soon as possible to reduce harmful exposures.”



Research led by the University of Cincinnati found in September that levels of manganese in the blood and hair of children in East Liverpool appeared to be related to lower I.Q. scores, a conclusion executives from S.H. Bell have disputed.

The E.P.A. moved in the final days of the Obama administration to resolve the S.H. Bell matter, proposing a consent decree in January that would require changes to reduce manganese dust levels and to improve monitoring.

Generally, a proposed consent decree is resolved within several months, but in March, the Trump administration asked a federal judge to delay the case so the E.P.A. could “brief incoming administration officials with decision-making responsibility” given that “many subordinate political positions at the agency remain unfilled.” The Justice Department has since asked the court to move ahead, but the case remains open.

A spokeswoman for S.H. Bell said that the company had moved to comply with the requirements and that its operations had not harmed residents. The E.P.A. said in a statement that it was waiting for the court to act. “It would not be appropriate to discuss the open enforcement matters,” the statement said.

Roberta Pratt, 49, a bartender who lives with her family on a block situated between Heritage Thermal and S.H. Bell, said she worries constantly about the delays in enforcement at the facilities. The side of her house, she said, is stained with a rusty color from heavy metals that float through the air.

“It makes me feel like less of a mother,” said Ms. Pratt of the pollution problems. “You can’t protect your children.”

Fighting back tears, she added, “People say to me, ‘Why don’t you just pick up and move out of here?’ Well, I just don’t have the money to do that.”

#### Industry Gets a Sympathetic Ear

The memo was marked “Privileged/Confidential/Do Not Release” and was signed by Susan Shinkman, the director of civil enforcement at the E.P.A. and one of Mr. Pruitt’s top deputies in Washington at the time.

It arrived by email to agency employees across the country on May 31.

With four pages of detailed instructions, it directed E.P.A. investigators to seek authorization before asking companies to track their emissions with instruments that determine the type and amount of pollutants being released at their plants.

It also said investigators needed special authorization if they did not already have evidence that the company had quite likely violated the law, or if state authorities objected to the tests.

The scope was far-reaching, applying to possible violations of the Clean Air Act, the Clean Water Act and federal laws regulating hazardous waste plants.

The goal of these changes, the memo said, was to “ensure a more nationally consistent and complete accounting of federal compliance monitoring and enforcement activities.” But the directive arrived like a thunderbolt, upending one of the agency’s most effective methods in catching polluters, E.P.A. regional officials said, and one that was extremely unpopular with the oil and gas industry.

In the prior two years, investigators in the Chicago office had sent requests for information — which includes requests for testing — that covered 267 facilities in the six Midwest states it oversees, including in cases involving giant mountains of petcoke stored near residential neighborhoods in Chicago. A carbon and sulfur byproduct of refining oil, petcoke particles can become airborne and enter the lungs, causing serious health effects.

Investigators in the regional office in Denver, which handles many oil and gas cases, also sent out a series of requests during the Obama administration based on hints that energy producers were letting vast quantities of hazardous air pollutants escape into the atmosphere. The pollutants included benzene, which is a carcinogen, and methane, which is a major contributor to climate change. The investigations escalated after four workers at energy facilities in North Dakota were overcome by fumes and died.

As the Obama administration came to a close, companies had grown increasingly unhappy with the tests and began to fight them by turning to allies in Washington.

Koch Carbon, a subsidiary of Koch Industries, which operated two petcoke storage facilities in Chicago, challenged the E.P.A.'s authority to require the tests in a formal filing with the agency, E.P.A. documents show, although it still provided the information the agency had requested. The test results showed that its petcoke piles were, in fact, threatening neighbors and led to their removal.

Republicans in Congress, including Senator James M. Inhofe of Oklahoma, took up the cause for the oil and gas industry. In public hearings, Mr. Inhofe interrogated E.P.A. officials about the tests and called them "a backdoor effort for the E.P.A. to cut greenhouse gas emissions."

When Mr. Trump was elected and named Mr. Pruitt, the former Oklahoma attorney general, to lead the E.P.A., the complaints got a fresh — and sympathetic — hearing. Ms. Shinkman, in an interview, said she was instructed to write the new policy memo after Mr. Pruitt received letters of complaint from oil industry executives in North Dakota and Colorado. Ms. Shinkman retired from the E.P.A. in September; in its statement to The Times, the E.P.A. did not say whether the oil and gas industry had been a factor in its decision.

Ron Ness, the president of the North Dakota Petroleum Council, wrote to Mr. Pruitt in March describing the tests as burdensome and costly. "Under the previous administration, the E.P.A. initiated sweeping Clean Air Act (CAA) Section 114 information requests and threatened company-ending sanctions." Mr. Ness wrote in a letter obtained by The Times.

In his response to Mr. Ness, Mr. Pruitt wrote that the E.P.A. would "develop best practices for the judicious use" of the requests, and also hand off much of the enforcement of air pollution laws to North Dakota officials, except on Indian lands where the federal government has jurisdiction.

"The E.P.A. acknowledges the critical role that the oil and gas industry plays in ensuring the nation's energy independence through domestic energy production," Mr. Pruitt wrote to Mr. Ness in July.

The change in North Dakota was part of a broader effort by the E.P.A. to give states more say in how to treat polluters.

In a letter to the Missouri Department of Natural Resources, Edward Chu, the deputy administrator of the E.P.A.'s regional office in Kansas, said the agency would back off some inspection and enforcement activity so the state could take the lead. "These shifts in direction do represent significant change," Mr. Chu wrote.

Officials in North Dakota said the new arrangement there is leading to faster resolution of cases involving the oil and gas industry.

"We are focused on compliance and fixes, not on big fines that are trumped up," said Jim Semerad, who leads the division of the North Dakota Department of Health that enforces air emissions rules.

But some critics question the sincerity of Mr. Pruitt's deference to state authorities, in part because it comes as the Trump administration has proposed cutting grants that help states pay for local enforcement. And the vigilance of some states in taking on the new responsibilities is also uncertain.

An audit by the E.P.A. inspector general in 2011 described North Dakota as “a state philosophically opposed to taking enforcement action” against polluters.

The state’s fines, moreover, are a tiny fraction of those imposed by the E.P.A. for the same violations, records obtained by The Times show, and some North Dakota settlements do not require the hiring of independent inspectors to ensure companies honor their promises.

In Ohio, a change in state law that was tucked into a budget bill this year cut funding for an inspector in East Liverpool, even as Ohio authorities found continued evidence of air pollution violations at the Heritage Thermal incinerator, according to state records obtained by The Times.

Ohio Environmental Services Industry, a trade group that represents Heritage Thermal and a handful of other hazardous waste companies, pushed for the change. The group said the facility would receive sufficient oversight without the dedicated state inspector.

The changes across the country, some lawyers suggest, are giving violators an upper hand in negotiating with the E.P.A.

Paul Calamita, who represents cities accused of violating the Clean Water Act when they release sewage and contaminated storm water into rivers and lakes, recommends that clients team up with state governments to push back against the E.P.A.

Under President Trump, Mr. Calamita said, the E.P.A. and the Department of Justice have been willing to compromise, withdrawing a six-figure penalty in one instance after refusing to do so in two previous rounds of negotiations during the Obama administration.

“States with new Republican governors are following the Trump approach — providing compliance assistance at the outset to avoid enforcement where the discharger is cooperative,” he said in a presentation to utility executives from around the United States. “A state that pushes back on E.P.A. is likely to be successful.”

#### A Muscular Office Loses Muscle

The E.P.A. under Mr. Pruitt has pursued some high-profile prosecutions of polluters and has talked tough about companies like Fiat Chrysler, which like Volkswagen has been accused of installing software on its vehicles meant to evade emissions standards.

The agency’s biggest civil case filed since Mr. Trump took office involves Exxon Mobil, which was accused of not properly operating and monitoring industrial flares at its petrochemical facilities. Exxon agreed in October to pay \$2.5 million in civil penalties, some of which will go to Louisiana, and spend \$300 million to install new technology to reduce air pollution.

The agency on Friday also released a list of 21 Superfund sites contaminated with hazardous substances and pollutants that Mr. Pruitt has targeted for immediate and intense attention. One of the sites on the list, Tar Creek, a former lead and zinc mine, is in Oklahoma, where Mr. Pruitt once served as attorney general and state senator.

But more than a dozen current and former E.P.A. officials told The Times that the slowdown in enforcement is real on the ground, and that it is being directed from the top.

At the Ralph Metcalfe Federal Building in Chicago, which houses a regional office of the E.P.A., employees said it has become difficult to even start a new investigation. Because it covers states populated with Rust Belt industries, the Chicago office has traditionally been one of the busiest of the 10 regions.

An agency spokeswoman, in a statement, said “we have not rejected any requests for sampling, monitoring and testing” that were sent to headquarters as a result of the new policy. But agency staff said the memo made clear such requests were discouraged, and many fewer were being drafted.

Jeff Trevino, a lawyer in the Chicago office, who has worked for the agency for 27 years, said the new hurdles imposed by Mr. Pruitt had created “a Catch-22” because, with new policies effectively discouraging requests for information, investigators will have a harder time getting the data needed to detect and confirm violations.

Mr. Trevino, like other current E.P.A. employees, was not authorized by the agency to speak with The Times, and did so as a member of the labor union.

“We are the boots on the ground and we just are having a hard time now getting the information we need to do our job,” said Felicia Chase, who has worked for nearly a decade as a water pollution enforcement officer in the Chicago office, which covers states from Minnesota to Ohio. She was also speaking in her capacity as a union member.

Ms. Chase sat glumly in the cafeteria just before Thanksgiving. On a television set on the wall, President Trump could be seen offering an official pardon to a turkey, joking that he could not reverse Mr. Obama’s turkey pardons from the previous year.

Some workers said they would take the unusual step of asking members of Congress to protect funding for the work they do, while others said they held out hope that the new restrictions on information gathering would not be permanent. Ms. Shinkman, the retired author of the May memo, said she had hoped to avoid a sharp drop in requests for information, but she declined to elaborate how that would be possible.

Mr. Czerniak, who led the air pollution unit in Chicago until his retirement in 2016, said it was hard to watch the agency struggle through this new era.

“People at the agency are just being cautious, almost to the point of paralysis,” he said. “They do not want to do anything for fear of being told they have done something wrong — something the new administrator won’t like.”

## The Associated Press

<http://www.providencejournal.com/news/20171210/providence-superfund-site-among-2-priority-from-epa>

### **Providence superfund site among 2 priority from EPA**

By Staff, 12/10/17

The U.S. Environmental Protection Agency says two sites in the Northeast are being prioritized for cleanup, including the Centredale Manor Restoration Project in North Providence.

The project, the site of a chemical manufacturer from the 1940s to the 1970s, was among 21 nationwide slated for speedier cleanup and redevelopment under the superfund program, which provides federal resources to deal with some of the nation’s most contaminated locations. The list was one of the recommendations put forth this summer by a superfund task force.

The other site in the Northeast is the former Mohawk Tannery in Nashua, New Hampshire. Other sites on the list are in New Jersey, Montana, California, Missouri, Virginia, Kentucky, Mississippi, Indiana, Michigan, Nevada, Oklahoma, Texas, Iowa, Oregon and Washington.

## Reuters

<https://www.reuters.com/article/us-newyork-incident/one-person-in-custody-several-injured-in-new-york-explosion-idUSKBN1E51E9>

### **One person in custody, several injured, in New York explosion**

By Staff, 12/11/17

An explosion rocked New York's Port Authority, one of the city's busiest commuter hubs in midtown Manhattan, during Monday morning's rush hour, injuring several people.

Police confirmed one person is in custody but were not yet identifying the device used. Local news channel WABC cited police sources as saying a possible pipe bomb detonated in a passageway below ground at Port Authority.

A police officer near the scene said: "There was an explosion under Port Authority somewhere in the subway. That's all we've got for now."

Media reported several people were injured, and WPIX television reported, citing sources, that a man with a "possible second device" has been detained in the subway tunnel.

New York City Mayor Bill de Blasio and President Donald Trump have been briefed on the incident, according to local media and the White House.

"There was a stampede up the stairs to get out," said Diego Fernandez, one of the commuters at Port Authority. "Everybody was scared and running and shouting."

## The Wall Street Journal

<https://www.wsj.com/articles/the-taxman-cometh-senate-bills-marginal-rates-could-top-100-for-some-1512942118?mg=prod/accounts-wsj>

### **The Taxman Cometh: Senate Bill's Marginal Rates Could Top 100% for Some**

By Richard Rubin, 12/10/17

Some high-income business owners could face marginal tax rates exceeding 100% under the Senate's tax bill, far beyond the listed rates in the Republican plan.

That means a business owner's next \$100 in earnings, under certain circumstances, would require paying more than \$100 in additional federal and state taxes.

As lawmakers rush to write the final tax bill over the next week, they already are looking at changes to prevent this from happening. Broadly, House and Senate Republicans are trying to reconcile their bills, looking for ways to pay for eliminating the most contentious proposals. The formal House-Senate conference committee will meet on Wednesday, and GOP lawmakers may unveil an agreement by week's end.

The possible marginal tax rate of more than 100% results from the combination of tax policies designed to provide benefits to businesses and families but then deny them to the richest people. As income climbs and those breaks phase out, each dollar of income faces regular tax rates and a hidden marginal rate on top of that, in the form of vanishing tax breaks. That structure, if maintained in a final law, would create some of the disincentives to working and to earning business profit that Republicans have long complained about, while opening lucrative avenues for tax avoidance.

As a taxpayer's income gets much higher and moves out of those phaseout ranges, the marginal tax rates would go down.

Consider, for example, a married, self-employed New Jersey lawyer with three children and earnings of about \$615,000.

Getting \$100 more in business income would force the lawyer to pay \$105.45 in federal and state taxes, according to calculations by the conservative-leaning Tax Foundation. That is more than double the marginal tax rate that household faces today.

If the New Jersey lawyer's stay-at-home spouse wanted a job, the first \$100 of the spouse's wages would require \$107.79 in taxes. And the tax rates for similarly situated residents of California and New York City would be even higher, the Tax Foundation found. Analyses by the Tax Policy Center, which is run by a former Obama administration official, find similar results, with federal marginal rates as high as 85%, and those don't include items such as state taxes, self-employment taxes or the phase-out of child tax credits.

The bill as written would provide incentives for business owners to shift profit across calendar years, move personal expenses inside the business and engage in other economically unproductive maneuvers, said David Gamage, a tax-law professor at Indiana University.

"I would expect a huge tax-gaming response once people fully understand how it works," said Mr. Gamage, a former Treasury Department official, who said business owners have an easier time engaging in such tax avoidance than salaried employees do. "The payoff for gaming is huge, within the set of people who both face these rates and have flexible enough business structures."

The analyses "raise a valid concern" that lawmakers are examining, said Julia Lawless, a spokeswoman for the Senate Finance Committee.

"With any major reform, there will always be unusual hypotheticals delivering anomalous results," she said. "The goal of Congress's tax overhaul has been to lower taxes on the American people and by and large, according to a variety of analyses, we're achieving that."

Marginal tax rates are different from average tax rates. A marginal rate is the tax on the edge, or margin, of one's earnings, and so it reflects what would be the next dollar of income. The average rate is a way of measuring a taxpayer's total burden.

The Republican bills are trying to reduce both marginal and average tax rates, and for many taxpayers, they do. The marginal tax rates above 100% affect a small slice of households with very particular circumstances. Similar, though smaller, effects occur throughout the tax system.

"This is a big concern," said Scott Greenberg, a Tax Foundation analyst. "It would be unfortunate if Congress passed a tax bill that had the effect of making additional work and additional income not worthwhile for any subgroup of households."

Here's how that New Jersey lawyer's marginal rate adds up to more than 100%:

The household is paying the 35% marginal tax rate on their income range. Or, they are paying the alternative minimum tax, which operates at the same marginal rate in that income range.

The household is paying New Jersey's highest income-tax rate, which is 8.97%, and now has to pay all of that because the Republican tax plan wouldn't let such state or local taxes be deducted from federal income.

The household is also losing a deduction the Senate created for so-called pass-through businesses such as partnerships and S corporations. That 23% deduction is fully available to owners of service businesses like law firms, but only if income is below \$500,000 for a married couple.

The deduction then phases out over \$100,000 in income, according to a complex formula, disappearing entirely once income reaches \$624,000. Up to that point, each additional dollar of business income faces progressively steeper tax rates because the deduction and its benefit are shrinking rapidly as income goes up.

The provisions also interact with each other in ways that drive up marginal rates. “The central problem here is that there is a large benefit phasing out over a short range,” Mr. Greenberg said.

The Republican bill doubles the child tax credit to \$2,000 but phases it out beginning at \$500,000 income for joint filers. The credit shrinks by \$50 for every \$1,000 in income above that, so a married couple with three children faces a higher marginal tax rate when they’re in that phase-out range.

The analysis assumes that the New Jersey lawyer is paying a 3.8% tax on self-employment income.

Pushing marginal rates lower on these households wouldn’t be easy and would require tradeoffs. Republicans could make the phaseout of the business deduction more gentle, spreading it over, say, \$200,000, as opposed to \$100,000, of income above \$500,000. But that would make the tax cuts bigger, and Republicans are already looking for money to offset other changes they are planning.

They could lower the threshold for the child tax credit, but that would reduce tax cuts for households below \$500,000.

Under current law, there are some high marginal tax rates for some lower-income households. Some families just above the poverty line can see their earned income tax credits and food stamps going down as their federal and state taxes go up. That combination can create marginal tax rates of around 75%, according to the Congressional Budget Office.

## The Wall Street Journal

<https://www.wsj.com/articles/americans-give-trump-higher-grades-on-economy-than-overall-1512925084>

### **Americans Give Trump Higher Grades on Economy Than Overall**

By Eli Stokols, 12/10/17

Although President Donald Trump’s overall approval ratings have dropped to the lowest point of his presidency, he is getting significantly higher marks in one important area: his handling of the economy.

With the U.S. unemployment rate holding at a 17-year low, hiring strong and the stock market hitting regular records, Mr. Trump is getting stronger reviews from the public on the economy, with 42% approving and 37% disapproving, according to the most recent Wall Street Journal/NBC News survey, conducted in late October.

That stands in stark contrast to his overall approval rating, which dropped last week to 32%, the lowest point of his 11-month presidency, according to a Pew Research Center poll. His disapproval rating of 68% in the same survey was also a new high.

The WSJ poll showed the president with a 38% approval rating, his lowest to date in this poll, while 58% disapproved of his overall performance.

A Gallup survey from November showed the president’s approval rating for his handling of the economy at 45%, eight points ahead of his overall approval number, which sagged to 37%.

“He’s a political contortionist in that he has high economic numbers and very low personal approval ratings. That’s almost impossible to do,” said Peter Hart, a veteran Democratic pollster.

On Friday, the White House celebrated the December jobs report that showed the economy gaining 228,000 jobs in

November.

"President Trump's bold economic vision continues to pay off," White House Press Secretary Sarah Huckabee Sanders said in a statement that also referenced an increase in manufacturing jobs since the president took office. "As we continue to unleash the American economy from unnecessary regulation and taxes, we look forward to seeing more reports like this, showing a healthy and thriving jobs market for the American people."

The president expects to sign a final version of the GOP's \$1.4 trillion tax overhaul before the end of the year. White House political director Bill Stepien, who didn't respond to a request to comment, has expressed confidence in the past that strong economic numbers, especially in the states Mr. Trump won in the 2016 election, will be enough to help him overcome other political liabilities.

"The issues that drove the 2016 election—change Washington and fix the economy—continue to break President Trump's way. Today's strong economy is a bulwark for the party in power as it faces the electorate next year in congressional elections," said Bill McInturff of the Republican polling firm Public Opinion Strategies. Mr. McInturff directs the Journal/NBC News poll with Democrat Fred Yang.

Mr. Hart isn't so sure. He pointed to a recent focus group he conducted with North Carolina voters. He said they were less willing to forgive Mr. Trump's sometimes controversial behavior amidst a strong economy than they were with President Bill Clinton two decades earlier.

"During the Clinton impeachment, people said, 'Look, the economy is doing fine.' They weren't in a mood to pursue impeachment," Mr. Hart said. "What's different now is the country is looking for an equilibrium and the president keeps the country constantly on edge. There's never enough of a lull for voters to get their breath and say, 'I'm comfortable.' And that's why Trump doesn't get the full political benefit of the economic growth."

Some administration allies have been trying to impress upon the president and his communications team that he would be in a stronger political position if he created fewer distractions with his tweets, according to people familiar with those conversations.

## TRUMP TWEETS

N/A



**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** Chancellor, Erin  
**Sent:** Fri 6/22/2018 8:04:19 PM  
**Subject:** RE: Touching base regarding Monday  
Tar Creek Talkers.docx

Tar Creek talkers attached. I know it's 2 pages BUT the first section (highlights) is the main part for him. John Meyers know all about the site, too. If you need anything else, please let me know.

Thanks,

**Erin E. Chancellor**

Counsel to the Administrator

U.S. Environmental Protection Agency

(202) 566-1757 (office)

**Ex. 6 - Personal Privacy**

[chancellor.erin@epa.gov](mailto:chancellor.erin@epa.gov)

**From:** Bennett, Tate  
**Sent:** Friday, June 22, 2018 11:24 AM  
**To:** Chancellor, Erin <[chancellor.erin@epa.gov](mailto:chancellor.erin@epa.gov)>; Beck, Nancy <[Beck.Nancy@epa.gov](mailto:Beck.Nancy@epa.gov)>  
**Subject:** FW: Touching base regarding Monday

Don't kill me! Do you have any talkers on tar creek? Nancy, do you have anything on PFOS in general? This is for Monday. Last min trip!

**From:** Fenton Rood [<mailto:Fenton.Rood@deq.ok.gov>]  
**Sent:** Friday, June 22, 2018 11:22 AM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>;  
Skylar McElhaney <[Skylar.McElhaney@deq.ok.gov](mailto:Skylar.McElhaney@deq.ok.gov)>

**Subject:** RE: Touching base regarding Monday

Proposed attendees:

Scott Thompson, Executive Director

Kelly Dixon, Land Protection Division

Lloyd Kirk, External Affairs

Shellie Chard, Water Quality

Michelle Wynn, Legislative Liaison

Erin Hatfield, Public Information Officer

Chris Armstrong, State Environmental Laboratory

Proposed Topics:

- PFOS/PFOA
- Superfund (in general and Eagle Industries, Tar Creek, Wilcox)
- RCRA (Macy's SEP was a positive)
- Water loss audits (our program that helps water systems save water and money)
- FACT team, including tribes, USDA, DWSRF and state funding projects
- Importance of building drought resiliency into drinking water systems in response to drought, shifting population, expanding water demanding industries

**From:** Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]  
**Sent:** Thursday, June 21, 2018 4:13 PM  
**To:** Fenton Rood  
**Cc:** Jackson, Ryan; Kunding, Kelly  
**Subject:** Touching base regarding Monday

Fenton-

This is to confirm Pruitt's meeting with the director and division directors at 2 PM next Monday. Thanks again for your help. My cell is Ex. 6 - Personal Privacy if you need anything. I have also copied Kelly Kunding with our advance team who will reach out about a security walk through in advance. Also, do you mind sending me an attendee list when you have one?

OK DEQ

707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)

## Tar Creek (Ottawa County) Superfund Site – June 22, 2018

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### Highlights – Ongoing Work

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- **OU2:** EPA is funding the Oklahoma Department of Environmental Quality (ODEQ) to continue to address lead in residential soils. Outreach efforts identify properties not previously addressed.
- **OU4:** EPA continues to work closely with the Quapaw Tribe of Oklahoma and the ODEQ on the implementation of the Site's remedy. EPA continues to award Cooperative Agreements to both the Quapaw Tribe and the ODEQ to carry out remedial actions at the Site.
  - Institutional controls (ICs): Need ICs on certain properties, which will require amending 25 Code of Federal Regulations (CFR). Region 6, the Quapaw Tribe, and the Bureau of Indian Affairs are all working together on this effort.
  - Rail spur acquisition: BNSF has offered to gift a rail spur to the cities of Miami and Commerce. The cities would like to use the rail spur to transport chat out of the Site.
- **OU5:** Regions 6 and 7 are working with 3 states (OK/MO/KS), 8 Tribes, and the community to characterize sediment and surface water throughout the Spring and Neosho River basins.

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### Cleanup History

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- **OU 1:** Completed – Surface water/groundwater – ROD signed in 1984.
  - Addresses: Surface water degradation by the discharge of acid mine water and the threat of contamination of the Roubidoux Aquifer, the regional water supply, and the downward migration of acid mine water from the overlying Boone Aquifer through abandoned wells connecting the aquifers.
  - Final remedy: Included use of diking and diversion structures to reduce the inflow of surface water to 3 mine shafts at the Site and reduce the outflow of acid mine water from the subsurface to Tar Creek and plugging Roubidoux wells.
  - December 1986: Construction activities finished.
- **OU2:** Ongoing (ODEQ now lead) – Residential areas – ROD signed in 1997.
  - Addresses: Contaminated soil in residential areas. New properties that require sampling assessment and remediation are being addressed by ODEQ through a cooperative agreement with Region 6 (R6). The residential remediation and the education and outreach programs implemented by the Ottawa County Health Department are helping to protect children's health.
  - 1995: EPA began excavating contaminated soil at high-access areas (HAAs) & Site residences.
  - Through 2017: Nearly 3,000 residential properties and HAAs have been remediated.
- **OU3:** Completed – Eagle-Picher Office Complex/abandoned mining chemicals – removal action completed in 2000 – no further action necessary.
  - Addressed: 120 containers of chemicals were removed as part of the removal response action.
- **OU4:** Ongoing – Chat piles, other mine and mill waste, and smelter waste – ROD signed in 2008.
  - Addresses: The undeveloped rural and urban areas of the Site where mine residues, mill residues, and smelter wastes have been placed, deposited, stored, disposed of, or otherwise have come to be located due to mining, milling, smelting, or related operations.
  - Final remedy: Called for a phased approach to address the mining waste over a period of ~30 years, including a residential buyout that was managed by a Trust. The buyout was initiated

## Tar Creek (Ottawa County) Superfund Site – June 22, 2018

in 2009 and completed in 2011. Included residents of Picher, OK, Cardin, OK, and Treece, KS. An April 2010 ESD documented the decision to relocate the residents.

- 2009: Remedial action activities began. Activities include: Remediation of Non-OU2 rural residential yards; Remediation of source materials including a former lead smelter and chat piles/bases; Construction of the Central Mill Repository; Fine injection pilot study; Transition zone soil contamination; and Addressing contamination in water at rural residential wells.
- Completed remedial activities: ~60 chat piles/bases remediated; 309,787 tons of chat sold; 3 residences provided city water after unsafe drinking water wells were plugged/abandoned; ~43,600 tons of chat injected into underground mine caverns during 3 chat disposal pilot projects; 40K tons of mine waste contained in innovative trench/road system; & ~58,065 tons of washed chat fines injected directly into mine caverns eliminating sediment/holding ponds.
- **OU5**: Ongoing – Surface water and sediments – ROD unsigned.
  - Addresses: Characterization of sediment and surface water throughout lower Spring/Neosho River basins, and understanding the potential risks associated with exposures to surface water and sediment through a Human Health Risk Assessment (HHRA) are being conducted.
  - Coordination: Effort is being coordinated with Region 7, 3 states, 8 Tribes, and the community. OU5 includes 7 watersheds covering approximately 437 square miles and 119 river miles.

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### Site Background

- **Location**: The Site has no clearly defined boundaries, but consists of areas within Ottawa County impacted by historical mining wastes. Site is part of the Tri-State Mining District (TSMD) that consists of historical lead and zinc mining areas comprised of 4 NPL Superfund sites across 3 states: (1) Cherokee County Site, Cherokee County, KS; (2) Orongo-Duenweg Site, Jasper County, MO; (3) Newton County Mine Tailings Site, Newton County, MO; and (4) Tar Creek Site.
- **1979**: Water began flowing to the surface near Commerce, OK from the underground mine working.
- **1980**: Oklahoma Governor established the Tar Creek Task Force, composed of various local, state, and federal agencies, to investigate the effects of mine drainage on the area's surface water.
- **July 1981**: EPA proposed to add the Site to the NPL.
- **September 8, 1983**: Site added to the NPL.

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### Mining History & Related Impacts

- **History**: Mining operations began in Ottawa County when ore was discovered near Peoria in 1891. Rapid expansion of mining activities occurred during the 1920s, and mining activities reached their peak around 1925. The last record of significant production from Ottawa County occurred in 1970.
- **Chat**: The mill tailings are locally known as chat and primarily consists of fine gravel-sized and coarse sand-sized rock fragments. After the excavated rock was processed and the metal ore extracted, the mining tailings that remained were deposited into piles that were up to 200 feet in height.
  - A 2005 inventory conducted for OU 4 (part of the RI) identified 83 chat piles over 767 acres (estimated volume of 31M cubic yards (CY)); and 243 chat bases/former piles over 2,079 acres (estimated volume of 6.7M CY).
- **Fine tailings ponds**: Ponds containing wastes produced from the flotation milling process and chat

**Tar Creek (Ottawa County) Superfund Site – June 22, 2018**

reprocessing operations. Most of the flotation ponds have since evaporated, leaving behind a very fine mining waste sediment that remains on the Site. Fine tailings are either flotation tailings (generated during the extraction or milling process) or washed fine tailings (generated as a byproduct of washing chat for commercial aggregate sale and from chat reprocessing through the mills). Fine tailings generated from milling and washing chat are currently found in 63 ponds over 820 acres, with an estimated volume of 9.1M million CY (washed fine tailings making up approximately 7.2M CY (78%) and floatation tailings making up approximately 1.9M CY (21.3%) (2005 RI inventory).

**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** E&E News  
**Sent:** Fri 1/19/2018 12:28:15 PM  
**Subject:** January 19 -- Energywire is ready

[Read today's Energywire on the web](#)

AN E&E NEWS PUBLICATION

## **ENERGYWIRE — Fri., January 19, 2018**

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### **1.REGULATION:**

#### **FERC's McIntyre says tax cut issues on the table**

Chairman Kevin McIntyre said yesterday that the Federal Energy Regulatory Commission is looking into what the agency could do to ensure that rates paid by consumers reflect the large decline in the federal corporate tax rate enacted late last year.

### **TOP STORIES**

#### **2.KEYSTONE XL:**

#### **TransCanada heralds 'successful' open season for customers**

#### **3.NATURAL GAS:**

#### **Report finds 'no silver bullet' to replace Calif.'s underground storage**

### **ELECTRICITY**

#### **4.GRID:**

#### **Call for conservation helps alleviate crunch in MISO South**

#### **5.ELECTRICITY:**

#### **New England winters expose fuel security risk**

#### **6.FRANCE:**

#### **Government seeks to speed up activists' appeals of wind farms**

#### **7.RENEWABLES:**

#### **Facebook data center spurs wind, solar expansion in N.M.**

### **OIL AND GAS**

#### **8.BLM:**

#### **Permitting backlog grew slightly last year**

#### **9.SUPERFUND:**

#### **Okla. AG opposes release of Tar Creek audit**

#### **10.MARKETS:**

#### **Oil field services could see renewed profits in 2018**

#### **11.VENEZUELA:**

#### **No sign of end to plummeting crude output — analysts**

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**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Crossland, Ronnie[Crossland.Ronnie@epa.gov]; Levine, Carolyn[Levine.Carolyn@epa.gov]  
**From:** Gray, David  
**Sent:** Tue 10/3/2017 7:44:07 PM  
**Subject:** RE: Call to discuss San Jacino ROD event on 10/13  
[San Jacinto Comms Plan DRAFT 10\\_3\\_2017.docx](#)

Here is a copy of a straw communication plan for the SJRWP announcement.

David

-----Original Appointment-----

**From:** Grantham, Nancy  
**Sent:** Tuesday, October 03, 2017 11:43 AM  
**To:** Grantham, Nancy; Kelly, Albert; Richardson, RobinH; Ferguson, Lincoln; Hupp, Millan; Bennett, Tate; Gray, David; Wagner, Kenneth; Crossland, Ronnie; Levine, Carolyn  
**Subject:** Call to discuss San Jacino ROD event on 10/13  
**When:** Tuesday, October 03, 2017 4:00 PM-4:30 PM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** Kell's office .. or call: **Ex. 6 - Personal Privacy**

**San Jacinto River Waste Pits Superfund Site  
Communications Plan**

**Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

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## **Ex. 5 - Deliberative Process**

**Q: Does EPA have money set aside to start work without the PRPs?**

**A:** EPA does not set aside cleanup money for Superfund sites. Funding is allocated on a yearly basis. This site is a priority site for EPA and funding would be requested. [Region 6's annual remedial action funding, other than Tar Creek, is about \$7,000,000.]

## **Ex. 5 - Deliberative Process**

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# Ex. 5 - Deliberative Process

INCLUDE THE LATEST PUBLIC NOTICE BELOW

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**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**Cc:** Kundinger, Kelly[kundinger.kelly@epa.gov]  
**From:** Michelle Wynn  
**Sent:** Fri 6/22/2018 6:37:55 PM  
**Subject:** Re: Touching base regarding Monday

He would like that opportunity.  
Kelly is coming for a walk-thru this afternoon. We can touch base then.

Thank you.

Michelle Wynn  
DEQ - Legislative Liaison

On Jun 22, 2018, at 1:21 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Copying Kelly who will have those answers but perhaps Scott can ride in the Admin's car?

On Jun 22, 2018, at 12:39 PM, Michelle Wynn <Michelle.Wynn@deq.ok.gov> wrote:

Tate -  
Sorry to change direction on you, but I will be doing the coordination on our end now. Fenton was involved when we were going to tour the alternative site, so now it's just going thru extra steps. This way you and I can have direct contact and go from there.

The meeting at our office for 2 PM is all locked in. As for the windshield tour, are you all arranging that part? I know, our director, Scott Thompson would like to join you on that part if possible. We can do the rest according to availability of room, we can also provide vehicles as needed.

Looking forward to having administrative Pruitt visit with us here in Oklahoma. Please let me know what else I can do to be of help.

Michelle Wynn  
DEQ - Legislative Liaison

Ex. 6 - Personal Privacy

Begin forwarded message:

**From:** Skylar McElhaney <Skylar.McElhaney@deq.ok.gov>  
**Date:** June 22, 2018 at 11:33:17 AM CDT  
**To:** Michelle Wynn <Michelle.Wynn@deq.ok.gov>  
**Subject:** Fwd: Touching base regarding Monday

Skylar McElhaney  
Department of Environmental Quality

Ex. 6 - Personal Privacy

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**From:** "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Date:** June 22, 2018 at 11:32:12 AM CDT  
**To:** Fenton Rood <[Fenton.Rood@deq.ok.gov](mailto:Fenton.Rood@deq.ok.gov)>  
**Cc:** "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>, "Kundinger, Kelly" <[kundinger.kelly@epa.gov](mailto:kundinger.kelly@epa.gov)>, Skylar McElhaney <[Skylar.McElhaney@deq.ok.gov](mailto:Skylar.McElhaney@deq.ok.gov)>  
**Subject:** RE: Touching base regarding Monday

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#### Oklahoma City

- [Eagle Industries](#) – Just east of Oklahoma City
- [Fourth Street Abandoned Refinery](#) – east/central Oklahoma City
- [Mosley Road Sanitary Landfill](#) – NE Oklahoma City
- [Tinker Air Force Base](#) – SE Oklahoma City

**From:** Fenton Rood [<mailto:Fenton.Rood@deq.ok.gov>]

**Sent:** Friday, June 22, 2018 11:22 AM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>; Skylar McElhaney <[Skylar.McElhaney@deq.ok.gov](mailto:Skylar.McElhaney@deq.ok.gov)>  
**Subject:** RE: Touching base regarding Monday

Proposed attendees:

Scott Thompson, Executive Director  
Kelly Dixon, Land Protection Division  
Lloyd Kirk, External Affairs  
Shellie Chard, Water Quality  
Michelle Wynn, Legislative Liaison  
Erin Hatfield, Public Information Officer  
Chris Armstrong, State Environmental Laboratory

Proposed Topics:

- PFOS/PFOA
- Superfund (in general and Eagle Industries, Tar Creek, Wilcox)
- RCRA (Macy's SEP was a positive)
- Water loss audits (our program that helps water systems save water and money)
- FACT team, including tribes, USDA, DWSRF and state funding projects
- Importance of building drought resiliency into drinking water systems

in response to drought, shifting population, expanding water demanding industries

**From:** Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]  
**Sent:** Thursday, June 21, 2018 4:13 PM  
**To:** Fenton Rood  
**Cc:** Jackson, Ryan; Kunding, Kelly  
**Subject:** Touching base regarding Monday

Fenton-

This is to confirm Pruitt's meeting with the director and division directors at 2 PM next Monday. Thanks again for your help. My cell is Ex. 6 - Personal Privacy if you need anything. I have also copied Kelly Kunding with our advance team who will reach out about a security walk through in advance. Also, do you mind sending me an attendee list when you have one?

OK DEQ

707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

Bennett.Tate@epa.gov



**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** Morning Energy  
**Sent:** Thur 12/7/2017 3:03:56 PM  
**Subject:** POLITICO's Morning Energy: Pruitt heads to House grilling today — Major flop in Alaska lease sale bodes ill for ANWR estimates — McIntyre gets sworn in at FERC today

By Anthony Adragna | 12/07/2017 10:00 AM EDT

*With help from Emily Holden, Eric Wolff and Alex Guillén*

**WELCOME TO CONGRESS, MR. PRUITT:** EPA Administrator Scott Pruitt makes his long-awaited first appearance before a House Energy and Commerce subpanel this morning where he's expected to get grilled on a host of issues. The session will be broken into two segments - 10-11 a.m. and then 2 p.m. onwards - to allow Pruitt to attend a White House meeting on biofuels (more on that below). Look for E&C Environment Chairman [John Shimkus](#) to recognize the arrangement is "not ideal, but gives members maximum ability to personally question the administrator about the agency's mission" during his opening remarks.

**What Republicans will say:** Expect Chairman [Greg Walden](#) to press Pruitt on budget transparency and his plans to address staffing issues: "I expect that 'Back to Basics' is not an abdication of environmental protection, but rather a rededication to mastering the most fundamental aspects of EPA's mission," he'll say, according to prepared remarks glimpsed by ME. Shimkus said his questions could touch on a range of topics, including TSCA, brownfields, safe drinking water and the agency's staffing.

**And Democrats?** "We're all noticing the orientation toward the environment is completely different with respect to budgeting, with respect to climate change, potentially with respect to methane, particulates," Rep. [Scott Peters](#), a subcommittee member, told ME. "So, I just think we want to get a sense of where he's going and how he'll measure success." The committee's top Democrat, [Frank Pallone](#), wouldn't reveal what he intends to grill Pruitt about when ME caught up to him in the hall.

**Pro's Alex Guillén's expectations for Pruitt's first Capitol Hill appearance in six months:** "Lawmakers have probably built up some serious questions in that time, so we could see questioning on practically any issue before EPA: the Clean Power Plan repeal effort; the Waters of the U.S. rewrite; Superfund work; proposed budget cuts; Pruitt's decision earlier this year not to ban chlorpyrifos; and his increased security and travel. Pruitt's [prepared testimony](#) offers a standard overview of his EPA philosophy."

**Rally time:** Environmental and public health advocates, including the Union of Concerned Scientists, Sierra Club, Business Forward and the Alliance of Nurses for Healthy Environments, will rally outside Rayburn at 9:20 a.m. to draw attention to Pruitt's lagging enforcement efforts, spending habits and overhauls of science advisory panels. Ahead of the session, the Environmental Defense Fund updated their "[Pruitt Playbook](#)" and the Union of Concerned Scientists offers some [suggested questions](#) to ask.

**If you go:** The [hearing](#) kicks off at 10 a.m. in Rayburn 2123.

**WHY PRUITT'S LEAVING:** Sen. Ted Cruz has secured a meeting today at 11:30 a.m. with President Donald Trump and several Cabinet members, including Pruitt, for what he told ME is likely to be a "free-ranging discussion" about biofuels and the recent fights over the Renewable Fuel Standard. His message? "We need to find a solution that is a win-win. That is a win for corn farmers across the Midwest but at the same time is a win for blue-collar union members who work in refineries and right now are being bankrupted by a regulatory system that isn't working," the Texas Republican said. Other Senate Republicans are expected to attend as well (perhaps the ones who signed this letter). Remember Cruz still has a hold on Bill Northey's USDA's farm and conservation mission nomination, so watch to see if that's lifted as the most immediate outcome of the session.

**Oilies only:** Sen. Chuck Grassley wasn't invited to the meeting, his spokesman said, but not to worry: Grassley has said that a White House RFS meeting would be "a waste of time." And if there's one thing energy world knows now, it's that if you don't have Gang Grain, you got nothing.

**WELCOME TO THURSDAY!** I'm your host Anthony Adragna, and no one was able to name the Father Millet Cross national monument (which has since been transferred by Congress to a state park) as our nation's smallest at just 0.0074 acres when designated. For today: Which state currently has the most national monuments at 18? Send your tips, energy gossip and comments to [aadragna@politico.com](mailto:aadragna@politico.com), or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning\\_Energy](https://twitter.com/Morning_Energy) and [@POLITICOPro](https://twitter.com/POLITICOPro).

**ARCTIC LEASE SALE FLOP:** Despite touting the "largest ever" lease sale in the National Petroleum Reserve-Alaska, BLM received just bids on seven of the 900 tracts offered, Pro's Ben Lefebvre reports. Those bids, generating just \$1.2 million in high bids, came jointly by ConocoPhillips and Anadarko for 80,000 acres, or less than 1 percent of the acreage offered. The highest bid amount was \$14.99 per acre. The relatively low amount could undercut GOP arguments that opening up the nearby Arctic National Wildlife Refuge would generate \$1 billion in revenue. Leasing of state land did quite a bit better, according to the Anchorage Daily News.

**For perspective:** At the price of \$14.99/acre, "leasing the entirety of the Arctic Refuge Coastal Plain's 1.5 million acres would raise slightly more than \$11 million in revenue for the federal government, a far cry from the billion dollar lie that Trump and Republicans are feeding the American public," the Alaska Wilderness League's Kristen Miller said in a statement. Remember the Republican budget calls for Senate ENR to kick in \$1 billion in revenue (which CBO said would come through ANWR drilling), though the lease results seem to bolster skepticism from environmental advocates and Democrats about those estimates.

**Situational awareness:** Energy Chairman Lisa Murkowski was named a tax conferee late Wednesday, along with Sens. Orrin Hatch, Mike Enzi, John Cornyn, John Thune, Rob Portman, Tim Scott and Pat Toomey. "With Congressman [Don Young] representing the House of Representatives on our energy provisions, Alaskans will have a very strong voice at the table to ensure this bill crosses the finish line," she said in a statement.

**No (strategic petroleum) reservations:** Count Shimkus, a tax conferee, among the backers of the Senate's approach of selling off 7 million barrels from the Strategic Petroleum Reserve as part of the final tax package [H.R. 1 \(115\)](#). "There was a reason to have the SPR," he told ME. "There is a credible reason to debate whether, for now and in the immediate future, there is a need." He also said he's a "big ANWR supporter" and that he doesn't see the Arctic drilling provision getting pulled from the final version.

**INHOFE, PRUITT'S TOXIC LEGACY:** POLITICO Magazine's Malcolm Burnley takes [a deep dive](#) into the contaminated Oklahoma region of Tar Creek, an area so poisonous that only 10 holdouts live there, and he finds a buyout program for residents that left Sen. [Jim Inhofe](#) awash in scandal and litigation. Then-Attorney General Scott Pruitt ultimately concluded an audit into possible criminal wrongdoing didn't warrant charges and he shielded his review from public release, only to have some in the state believe his efforts were designed to spare Inhofe embarrassment. Many residents in the polluted zone of Tar Creek continue to express shock that no one was prosecuted over what happened in their federal buyout program

**Pruitt and Inhofe flatly denied** there was any political motivation in shielding the audit. "It was important to protect the individuals' reputation that were in that investigation," Pruitt said in an interview. "You would think that this wouldn't be a political issue, that people wouldn't put on the red and blue jerseys." One interesting fact though: Ryan Jackson, now Pruitt's chief of staff, was once Inhofe's point person on the Tar Creek issue. Photo gallery [here](#).

**Pruitt's new gig:** Trump named the EPA administrator to chair the Gulf Coast Ecosystem Restoration Council, a group formed after the Deepwater Horizon oil spill restore the ecosystems and economies of the Gulf Coast, your ME host [reports](#). Pruitt named Kenneth Wagner, a senior adviser, to be his designee on the council.

**MAY FERC NOW BE WHOLE:** New FERC Chairman Kevin McIntyre will be sworn in today, bringing the five-member agency to full power, Pro's Eric Wolff [reports](#). His swearing-in will put to rest rumors that either the Trump administration or McIntyre himself were delaying his start date to give current Chairman Neil Chatterjee enough service time to make staffing changes

**MORE HEARINGS COMING ON CLEAN POWER PLAN:** EPA announced Wednesday it would hold additional public hearings on its plan to repeal the Clean Power Plan in San Francisco; Gillette, Wyo.; and Kansas City, Mo., Pro's Emily Holden [reports](#). Pruitt said the change was "due to the overwhelming response" and the agency will announce the dates and locations of the meetings in the coming weeks.

**SPLIT OVER EXTENDERS?** Ways and Means Chairman [Kevin Brady](#) told reporters Wednesday he doesn't like the idea of moving a package of extenders this year but hasn't made a final decision yet, Pro Tax's Brian Faler [reports](#). "It's horrible policy and process," he said. But those comments come as Thune, the Senate's number three Republican, said lawmakers will revive biodiesel, geothermal and other energy-related breaks along with other "cats and dogs." Doing an extenders package as the chambers work to iron out differences between their broader tax bills is likely to test tax writers' bandwidth.

**Shutdown watch:** Congressional leaders head to the White House for a meeting with Trump on government funding today, but GOP lawmakers expect to pass a two-week spending package despite internal division within their party, POLITICO's Rachael Bade and Sarah Ferris [report](#). House Freedom Caucus leaders have been asking for a commitment GOP leadership does not believe it can give them: a promise to "hold the line" and refuse Senate Democrats' demands for increased spending on non-defense programs.

**House Democrats,** including Minority Whip Steny Hoyer, hold a press conference at 10 a.m. in Cannon 234 to call on Republicans to take up additional federal assistance for Puerto Rico and the U.S. Virgin Islands. Watch [here](#).

**ICYMI:** Both sides framed their arguments at a hearing of the U.S. Trade Representative over whether to impose tariffs on solar equipment imports in language aimed at swaying Trump, Pro's Eric Wolff [reports](#).

**PATAGONIA SUES OVER BEARS EARS:** A coalition of groups, including Patagonia, became the latest to file a lawsuit challenging the Trump administration's downsizing of Bears Ears National Monument on Monday. Link to the lawsuit filed in Washington federal court [here](#).

**ENDANGERMENT FINDING PUSHBACK STALLS:** Conservative state lawmakers and businesses that are members of the American Legislative Exchange Council on Wednesday shot down an effort to urge Pruitt to challenge a science-based endangerment finding that requires EPA action on greenhouse gas emissions. "In subcommittee, a substantive conversation occurred where arguments were made for and against the draft model policy," said Bill Meierling, executive vice president of external relations for the group. "After debate, it was clear that neither the public nor the private sector supported the draft as written."

**Meierling added that** "ALEC members prefer to advance policy only after a consensus opinion has been reached." Reports suggested later the resolution had been pulled in the aftermath of strong opposition, including from Exxon Mobil. Pruitt was expected to speak at the ALEC meeting on Friday but canceled due to a "scheduling conflict," Meierling said.

**NO COMMENT:** Murkowski forcefully [urged](#) Sen. [Al Franken](#) to step down amid sexual harassment allegations on Wednesday, but a spokeswoman declined to state whether Roy Moore would be welcome on her committee if he wins the Alabama special election next week. "We aren't commenting until after the special election and decisions about committee seats are made by conference," she said. Outgoing Alabama Sen. [Luther Strange](#) currently has a slot on the energy panel.

**THERE'S ALWAYS A TIE:** Congressional Democrats said Tuesday they have evidence then-national security adviser Michael Flynn sent assurances to former business partners that a U.S.-Russia energy partnership in the Middle East, which reportedly would have included more than two dozen nuclear plants in the region, was "good to go," POLITICO's Kyle Cheney [reports](#). The revelations from a whistleblower came in [a letter](#) released Tuesday.

**MAIL CALL! LET'S BOOST EFFICIENCY CAPS!** A collection of energy efficiency organizations, led by the Alliance to Save Energy, sent a letter to congressional appropriators on Wednesday urging them to boost "budget cap allocations for federal energy efficiency programs." Failure to do so could result in steep cuts to EPA and DOE programs across the board, the groups warn. Link [here](#).

**TAKE A GLANCE! LESSONS FROM THE RFS:** The American Enterprise Institute is out with a [report](#) looking at policymaking lessons from the RFS. It argues the biofuels mandate would be better as a rate standard than a volume standard, EPA should issue multiyear rather than annual rules and that uncertainty should be explicitly incorporated into future rulemakings, among other things.

**BAD SOLAR ACTORS:** Campaign for Accountability released the results of a years-long investigation concluding two companies - Vivint and SolarCity - received more complaints about their sales tactics than others in the solar industry. "Unfortunately, the deceptive sales tactics of solar companies, like Vivint and SolarCity, are making rooftop solar a risky bet," Daniel Stevens, the group's executive director, said in a statement. Read it [here](#).

**DREAMS TURNED REALITY?** The Center for Western Priorities is out with a report finding the Trump administration has already granted 13 of the energy industry's 24 top priorities. Read it [here](#).

**SUGGESTIONS GIVEN:** American Council for Capital Formation released a paper this morning with ten ideas for improving the regulatory process. It's the product of a November 2016 roundtable with Sens. [Mike Rounds](#), [Angus King](#), [James Lankford](#) and others. Link [here](#).

**MOVER, SHAKER:** Michael Boucher has joined Crowell & Moring LLP environment and natural resources practice as a partner in Washington. He joins from Dentons US LLP, where he led that firm's chemical, pesticide, and consumer product regulation team.

## QUICK HITS

- California AG on Trump EPA: 'It's almost as if they believe they're above the law'. [The Hill](#).
- Wall Street's Fracking Frenzy Runs Dry as Profits Fail to Materialize. [Wall Street Journal](#).
- The IHS Markit electric resiliency study - much less than meets the eye. [Utility Dive](#).
- Patagonia sues over Trump's monuments order. [AP](#).
- Volkswagen Official Gets 7-Year Term in Diesel-Emissions Cheating. [New York Times](#).
- Pipeline explodes in southeastern New Mexico oil patch. [AP](#).
- Christie backs nuclear subsidies but won't sign 'wish list' bill from environmental groups. [POLITICO New Jersey](#).

**THAT'S ALL FOR ME!**

*To view online:*

<https://www.politico.com/newsletters/morning-energy/2017/12/07/pruitt-heads-to-house-grilling-today-043377>

**To change your alert settings, please go to <https://secure.politico.com/settings>**

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This email was sent to bennett.tate@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

Please click [here](#) and follow the steps to unsubscribe.

---

**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**Cc:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Michelle Wynn  
**Sent:** Fri 6/22/2018 4:39:23 PM  
**Subject:** Fwd: Touching base regarding Monday

Tate -

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Michelle Wynn  
DEQ - Legislative Liaison  
405-702-7163 Office

Ex. 6 - Personal Privacy

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**From:** Skylar McElhaney <Skylar.McElhaney@deq.ok.gov>  
**Date:** June 22, 2018 at 11:33:17 AM CDT  
**To:** Michelle Wynn <Michelle.Wynn@deq.ok.gov>  
**Subject:** Fwd: Touching base regarding Monday

Skylar McElhaney  
Department of Environmental Quality  
(405) 702-7167 Office

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**Cc:** "Jackson, Ryan" <jackson.ryan@epa.gov>, "Kundinger, Kelly" <kundinger.kelly@epa.gov>, Skylar McElhaney <Skylar.McElhaney@deq.ok.gov>

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### **Oklahoma City**

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Proposed attendees:

Scott Thompson, Executive Director

Kelly Dixon, Land Protection Division

Lloyd Kirk, External Affairs



Shellie Chard, Water Quality

Michelle Wynn, Legislative Liaison

Erin Hatfield, Public Information Officer

Chris Armstrong, State Environmental Laboratory

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**Cc:** Jackson, Ryan; Kunding, Kelly

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OK DEQ

707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)

**To:** OGD\_Grant\_Reports[OGD\_Grant\_Reports@epa.gov]  
**Cc:** Vizian, Donna[Vizian.Donna@epa.gov]; Showman, John[Showman.John@epa.gov]; Cooper, Marian[Cooper.Marian@epa.gov]; Bell, Matthew[Bell.Matthew@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Milazzo, Julie[Milazzo.Julie@epa.gov]; Etheredge, William[Etheredge.William@epa.gov]; Neal, Kerry[neal.kerry@epa.gov]; Polk, Denise[Polk.Denise@epa.gov]; Sylvester, Kenneth[Sylvester.Kenneth@epa.gov]; Durand, Jessica[Durand.Jessica@epa.gov]  
**From:** OGD\_Grant\_Reports  
**Sent:** Fri 8/25/2017 3:59:05 PM  
**Subject:** 8/25 Congressional Notification Report  
[Congressional Notification Daily Report 8-25-17.xlsx](#)

Good Afternoon,

All notifications from today's Congressional Notification Report have been cleared; however, any notification on this list that has been specifically placed on hold still remains on hold and should not move forward. Please be aware that the 8/21/17 Pending Award Report is still under review. We will notify you when the review is complete.

Thank you,

Laurice Jones

Director, National Policy Training and Compliance Division

Office of Grants and Debarment

US EPA

Ex. 6 - Personal Privacy

# Congressional Notification Daily Report for Awards & 8/24/17

Grant No	Program Code	Awarding Region Code	EPA Amount This Action: This Action	Award Date	Applicant Name
83923301-0	OS	EPA HQ	\$299,699.00	8/24/2017	University Enterprises Inc.
00A00370-0	SE	EPA R1	\$3,945,172.00	8/24/2017	Restore America's Estuaries
00A00337-0	HC	EPA R1	\$25,000.00	8/24/2017	Center for EcoTechnology Inc.
01J06101-2	GA	EPA R10	\$127,991.00	8/24/2017	Petersburg Indian Association

Signed

Project Title	Project Description
Energy-Water-Emissions Dashboard	The Energy-Water-Emissions Dashboard (EWED) will integrate three EN data sources and other federal data sources into a new web service and two web-based user interfaces that support integrated decision making and planning at the energy-water-climate nexus. The EWED user interfaces will include a near-real-time dashboard of power plant facility water demands and emissions, as well as advanced tools for users to perform detailed analyses and scenario development at different geographic and jurisdictional scales. The goal of EWED is to improve integration, accessibility, usability, and timeliness of complex environmental data.
Support for Southeast New England Program (SNEP)	As directed by the Consolidated Appropriations Acts of 2016 and 2017, the Administrator is authorized to use the amounts appropriated under the heading "Environmental Programs and Management" for fiscal year 2017 to provide grants to implement the Southeastern New England Watershed Restoration Program. This project implements the Southeast New England Program (SNEP) priority of convening and leading a comprehensive regional grants effort to protect, enhance, and restore the coastal watersheds of southeast New England through innovative and transferable approaches. In FY17, SNEP is funding a selected applicant to manage a competitive subaward grant program to seek and support projects that build management, technical, and financial capacity to implement effective protection and restoration of coastal ecosystems and their watersheds, including associated water quality and aquatic habitats.
North Berkshire Healthy Homes Initiative	The Center for EcoTechnology's "North Berkshire Healthy Homes Initiative" is a demonstration project to improve indoor air quality at homes of vulnerable individuals in Berkshire County, Massachusetts. The goal of the project is to reduce residents' exposure to health risks by empowering them to identify/address healthy home issues. Project activities include providing education and outreach through Berkshire Health Systems to vulnerable individuals and then a subset will receive in-home assessments and support services to ultimately reduce respiratory illness triggers.
Indian General Assistance Program (IGAP)	The Petersburg Indian Association will build environmental capacity through gathering baseline data, implementing a waste reduction program, continued staff training and program development.

99358317-0	FS	EPA R3	\$13,657,524.00	8/24/2017	Virginia Department of Health dba Office of Drinking Water
97372017-3	A	EPA R3	\$2,178,062.00	8/24/2017	PA Dept of Environmental Protection
00311618-0	F	EPA R3	\$462,000.00	8/24/2017	WV Dept of Health & Human Resources
96347101-1	CD	EPA R3	\$450,000.00	8/24/2017	Commonwealth of Penn Dept of Enviro Prot
98339312-1	I	EPA R3	\$271,100.00	8/24/2017	Delaware River Basin Commission
96342601-1	CB	EPA R3	\$240,000.00	8/24/2017	University of Maryland College Park

Safe Drinking Water State Revolving Fund	This agreement is for a capitalization grant which provides funds for the recipient's Drinking Water State Revolving Fund program to provide low interest financing to recipients for costs associated with the planning, design and construction of eligible drinking water improvement projects and activities to protect human health.
FFY 17-19 Section 105 Air Pollution Control Grant activities and Great Lakes Initiative tasks.	This agreement will provide assistance to the recipient in its efforts to implement air pollution control programs throughout the Commonwealth of Pennsylvania, including continuing development and implementation of stationary source regulations; continuing promulgation and update of enhanced mobile source regulations; improvement of emission inventories for modeling simulations; and to operate a monitoring network that collects air data. These activities are to improve and maintain the public's air quality.
WV State Public Water Supply Supervision Program	<p>This funding is to provide support for implementation of a Public Water System Supervision Program adequate to enforce the requirements of the Safe Drinking Water Act in the state of West Virginia.</p> <p>\$317,000 of federal funds are contingent on availability.</p>
PADEP WPDG FY16-17	This project will focus on three program areas which will results in outputs and outcomes that contribute to EPA's Objective 2.2 Protect and Restore Watersheds and Aquatic Ecosystems. The three areas are to: 1) update the state's wetland program plan as a strategic approach to wetland protection in PA; 2) to develop a vegetation predictor tool to address a systematic deficiency in restoration and compensation plans concerning planting plans; and 3) to develop a headwater aquatic reference resource system via modeling.
DRBC's Water Pollution Control Program Funds under §106 of the Clean Water Act	<p>To assist the recipient in establishing and maintaining adequate measures for the prevention and control of water pollution and in implementing their EPA approved Clean Water Act Section 106 program activities.</p> <p>This action awards federal funds in the amount of \$371,900. Federal funds in the amount of \$314,100 are contingent upon availability.</p>
Ag/Nonpt Sources Support	These funds will be used to provide the CBP's non-federal partners with support on technical and programmatic issues related to implementation of the agricultural and other nonpoint source components of the jurisdictions' Watershed Implementation Plans (WIPs).

99319315-4	PB	EPA R3	\$230,000.00	8/24/2017	DE Dept of Health & Social Services
00336517-4	F	EPA R3	\$200,000.00	8/24/2017	PA Dept of Environmental Protection
96356301-0	JT	EPA R3	\$200,000.00	8/24/2017	Earth Conservancy
96307701-7	VC	EPA R3	\$73,617.00	8/24/2017	VA Dept of Environmental Quality
96348201-2	NP	EPA R3	\$49,500.00	8/24/2017	University of Louisville
96344901-2	NP	EPA R3	\$15,963.00	8/24/2017	The Pennsylvania State University
00477317-0	K1	EPA R4	\$187,846.00	8/24/2017	FL Dept of Health



Delaware Lead-Based Paint and Renovation, Repair and Painting Programs	<p>This amendment increases the Federal funds by \$258,018.</p> <p>The purpose of this cooperative agreement is to assist Delaware in its ongoing efforts to: administer its lead program through certification and accreditation of lead-based paint professionals; monitor lead-based paint activities through inspections and notification procedures; issue enforcement actions to ensure compliance with requirements and to deter further violations; provide compliance assistance to the regulated community; provide education and lead regulations and lead issues to the public; perform outreach activities on various lead-based paint issues and regulatory requirements.</p>
Pennsylvania Public Water System Supervision	This agreement provides support for and implementation of a public water system supervision program adequate to enforce the requirements of the Safe Drinking Water Act in the Commonwealth of Pennsylvania.
Environmental Workforce Training Program	This project provides funding for Earth Conservancy to recruit, train, and place unemployed and underemployed residents of the Scranton/Wilkes-Barre/Hazleton metro area in environmental careers with skills needed to safely conduct remediation work at solid and hazardous waste contaminated sites, as well as GIS and land surveying skills.
VADEQ Superfund Core Amendment Application	The purpose of the CORE Program is to effectively implement the statutory requirements of CERCLA Sections 121(f) for State involvement. The Program provides funds to conduct activities that are not assignable to specific sites but support a recipient's site specific response program.
Operate the Environmental Sustainability Resource Center (ESRC)	The University of Louisville Kentucky Pollution Prevention Center supports the Environmental Sustainability Resource Center (ESRC) that serves EPA Regions 3 and 4. ESRC will conduct activities that further the national emphasis areas of climate change mitigation and prevention of greenhouse gas emissions as well as state approaches to hazardous waste source reduction. Tasks include webinars focused on the foundational approaches to energy savings as well as coaching and implementation assistance to attendees.
FOOD MANUFACTURING ASSESSMENTS	This project will fund Economy, Energy, and Environment (E3) events for PA manufacturers (with an emphasis on the food industry).
State Indoor Radon Program	This action approves an award in the amount of \$187,846 to the Florida Department of Health to continue developing and implementing the state Radon program. More specifically, funding will be used to continue educating the public about the dangers of indoor radon exposure and about specific actions that can be taken to reduce elevated radon levels in homes, schools, and workplaces through a variety of approaches. Results will be tracked and documented.

95445617-0	V	EPA R4	\$79,762.00	8/24/2017	TN Dept of Environment and Conservation
00D63817-0	VC	EPA R4	\$50,564.00	8/24/2017	TN Dept of Environment and Conservation
00D28115-3	PM	EPA R4	\$31,124.00	8/24/2017	Western NC Regional Air Quality Agency
00E60305-0	L	EPA R5	\$529,927.00	8/24/2017	Minnesota Pollution Control Agency
00E02254-0	GL	EPA R5	\$400,000.00	8/24/2017	Research Foundation of SUNY- Buffalo State College
98577607-2	PM	EPA R5	\$291,565.00	8/24/2017	Minnesota Pollution Control Agency
03E00752-2	BG	EPA R5	\$215,047.00	8/24/2017	Forest County Potawatomi Community

Superfund State Political Subdivision and Indian Tribe Site Specific Cooperative Agreements	This action provides partial funding in the amount of \$79,762 to the State of Tennessee ongoing program to improve or enhance the state's ability to control risks to human health and/or the environment at contaminated properties through conducting site inspections, site investigations and site assessments that lead to proper site stabilization, cleanup or other actions which make the land available for reuse.
Superfund State and Indian Tribe CORE Program Cooperative Agreements	This action provides partial funding in the amount of \$50,564 to the State of Tennessee to improve or enhance the State's ability to control risks to human health and/or the environment. These funds allow the State to conduct non-site specific activities such as program management and supervision necessary to direct the State's program and ensure the State's abilities to participate in all aspects of CERCLA implementation.
PM2.5 Ambient Air Monitoring Network	This project supports Western North Carolina Regional Air Quality Agency compliance with National Ambient Air Quality Standards by continuing the ongoing collection of data on the ambient air concentrations of fine particulate matter in Western, North Carolina.
Underground Storage Tank Compliance and Enforcement	This agreement provides assistance to the State of Minnesota's Underground Storage Tank (UST) Program in leak detection, prevention and related enforcement for meeting the provisions of the Energy Policy Act of 2005.
Early Detection of Mollusks and Annelids in the Great Lakes	The Research Foundation for the State University of New York will generate succinct genetic sequence information for Great Lakes mollusks and annelids. This project will support the monitoring and early detection of invasive species in the Great Lakes.
Fine Particulate Matter (PM2.5) Monitoring Network Grant	The Minnesota Pollution Control Agency (MPCA) will continue to operate and maintain its fine particulate matter (PM2.5) air monitoring network throughout the state, collect samples at the sites, and perform analysis to determine PM2.5 levels at these locations.
PERFORMANCE PARTNERSHIP GRANT	This award is a Performance Partnership Grant (PPG) combining funds under the Clean Air Act (CAA) Section 105, Clean Water Act Section (CWA) Section 106, CWA Section 319, and the Indian General Assistance Program (GAP). This project will enable the Tribe to plan, develop, and establish the capability for implementing environmental protection programs. The Tribe will also sustain the programmatic activities of the Forest County Potawatomi Community's (FCPC) Tribal Air Program and continue to implement the water resource and nonpoint source programs.

01E02103-1	BG	EPA R5	\$100,500.00	8/24/2017	Oneida Nation
00E37213-1	BG	EPA R5	\$83,000.00	8/24/2017	Bad River Band of Lake Superior Chippewa Indians
00E86704-1	TX	EPA R5	\$24,283.00	8/24/2017	St. Croix Tribal Council
00E24910-1	C6	EPA R5	\$23,000.00	8/24/2017	Minnesota Pollution Control Agency
22000217-0	CS	EPA R6	\$14,300,000.00	8/24/2017	Louisiana Department of Environmental Quality
98600120-0	FS	EPA R6	\$12,610,000.00	8/24/2017	Arkansas Natural Resources Commission

Performance Partnership Grant	This is a Performance Partnership Grant (PPG) to the Oneida Nation consisting of funds from the Clean Water Act Section 106 and Section 319. This award will enable Oneida Nation to continue to build tribal environmental capacity, and implement the water resource and nonpoint source programs. The activities are to protect human health and the environment.
WATER PERFORMANCE PARTNERSHIP GRANT	This is the Performance Partnership Grant (PPG) to the Bad River Band of Lake Superior Chippewa Indians (Bad River) consisting of funds from the Clean Water Act Section 106 and Section 319. This award will enable Bad River to continue to build tribal environmental capacity, and implement the water resource and Nonpoint source programs.
St. Croix Chippewa Indians of Wisconsin Indoor Air Quality Program, Fy 2017	The St Croix Chippewa Indian Tribe will conduct investigations of homes and/or offices for indoor air concerns, such as mold, ventilation, and moisture concerns as these issues arise. The tribe will publish an article in the tribal newspaper each spring and fall targeting moisture and mold sources in homes and businesses and present their findings to the tribal council members. The tribe will participate in quarterly conference calls and represent the tribe at EPA air meetings. The tribe will provide a quarterly and final report to EPA.
Clean Water Act Sections 205(j) and 604(b) Water Quality Management Planning in Minnesota	This grant will enable the Minnesota Pollution Control Agency (MPCA) to continue activities supporting water quality planning and management. The grant will provide support for 1) water quality data management using Minnesota's Environmental Quality Information System (EQulS); and 2) the MPCA Citizen Lake Monitoring Program (CLMP) Coordinator.
FY17 Clean Water State Revolving Fund Grant	These funds will be used by the State of Louisiana to provide loans and other types of financial assistance (not grants) to local communities and intermunicipal and interstate agencies for wastewater improvements. The effect of the financing will be improved water quality in streams, lakes, rivers and bays with resulting benefits to aquatic life and for use as drinking water sources; and/or elimination of disease from health hazards like raw sewage discharges.
Drinking Water State Revolving Fund Capitalization Grant	This assistance provides federal funds to the State of Arkansas for loan assistance to eligible public water systems for infrastructure improvements needed to ensure safe drinking water and to provide funds for the following types of set-aside activities: Administrative, Small Systems Technical Assistance, Local Assistance and State Programs Management.

01F26101-0	V	EPA R6	\$6,808,912.00	8/24/2017	OK Dept of Env Quality
19000117-0	CS	EPA R7	\$17,944,000.00	8/24/2017	Iowa Department of Natural Resources
00740326-0	C9	EPA R7	\$2,432,000.00	8/24/2017	Nebraska Department of Environmental Quality
98727706-1	RP	EPA R7	\$357,055.00	8/24/2017	Missouri Department of Natural Resources
99705221-0	PB	EPA R7	\$317,841.00	8/24/2017	Iowa Department of Public Health
98709715-0	PB	EPA R7	\$231,168.00	8/24/2017	Nebraska Department of Health and Human Services
97754701-2	XA	EPA R7	\$165,411.00	8/24/2017	Iowa Department of Natural Resources
97761401-0	NE	EPA R7	\$87,770.00	8/24/2017	Resource Conservation and Development for Northeast Iowa Inc.

Superfund - Elm Creek Unrestricted Tier One Project	<p>This project provides funding to ODEQ to conduct site characterization activities at potential or confirmed hazardous waste sites and undertake response planning and implementation actions at this site which is on the National Priorities List (NPL) to clean up the hazardous waste sites that are found to pose hazards to human health and effectively implement the statutory requirement of CERCLA 121(f) which mandates substantial and meaningful State involvement.</p> <p>This award, in the amount of \$6,808,912, is for Remediation activities at the Tar Creek OU-4 Superfund Site in Oklahoma</p>
Iowa 2017 Clean Water State Revolving Fund	This agreement provides funding for loans for wastewater infrastructure costs in the state under Title VI of the Clean Water Act.
2017 Non-Point Source Implementation Program	Funds support the state's mission to protect and improve the quality of water resources from nonpoint source pollution.
Missouri State Response Program 2017-2018	<p>This funding will enhance the state's response program to assess, cleanup, and redevelop brownfields and other sites with real or perceived contamination.</p> <p>This is a partial award of Federal funds. Full funding will be provided at a later date.</p>
Iowa 2018 Lead Training and Certification Program	This funding enables the state to implement a comprehensive lead-based paint program to reduce the risk of childhood lead poisoning.
Lead-Based Paint Certification/Accreditation and Enforcement Program	Funds are used to implement a comprehensive lead-based paint program to reduce the risk of childhood lead poisoning.
Iowa 2016 - 2017 Air Monitoring Network	The Iowa Department of Natural Resources operates and maintains an ambient air monitoring network for compliance with the fine particulate matter National Ambient Air Quality Standards. The fine particulate matter standards, also known as PM2.5, is small particulate matter less than 2.5 micrometers in diameter or smaller. Fine particles are linked with a number of serious health issues and also contributes to visibility impairment. The monitoring network is necessary to measure levels of PM2.5 in the atmosphere. Data from monitors is used to provide information to the public on levels of particle pollution in Iowa communities and assists to examine particle pollution throughout the country.
Northeast Iowa Stormwater Education Project	This agreement provides funds for environmental education and training in watershed management and urban stormwater issues and solutions.

32000117-0	CS	EPA R9	\$6,474,000.00	8/24/2017	NV Dept of Cons & Ntrl Res
97908118-0	C9	EPA R9	\$1,367,000.00	8/24/2017	NV Dept of Cons & Ntrl Res
99T40001-1	XA	EPA R9	\$290,000.00	8/24/2017	Imperial County APCD
98979618-0	A	EPA R9	\$226,000.00	8/24/2017	Navajo Nation



State Water Pollution Control Revolving Fund (CW-SRF)	<p>The primary purpose/objective of this program is to capitalize Nevada's Clean Water State Revolving Fund (CW SRF) Program for financing wastewater treatment, stormwater management, water conservation and reuse, watershed and management, and other water quality protection related infrastructure projects as allowed by Title VI of the Federal Water Pollution Control Act (FWPCA) and the Water Resources Reform and Development Act (WRRDA). The recipient, Nevada Division of Environmental Protection, will lend these funds to municipalities in Nevada at or below market interest rates to address infrastructure needs in the state. The grant also provides funds for the administration of Nevada's CW SRF Program.</p> <p>This award provides funding in the amount of \$6,474,000.</p> <p>Pre-award costs have been approved back to July 1, 2017.</p>
NONPOINT SOURCE MANAGEMENT PROGRAM	<p>The grantee's activities include developing and implementing watershed based plans, nonpoint source demonstration projects to reduce nonpoint source pollution and educating Nevadans on reducing nonpoint source pollution. This agreement supports the State of Nevada to implement its state nonpoint source management program developed under the Clean Water Act Section 319.</p> <p>This award provides full federal funding in the amount of \$1,367,000. See terms and conditions.</p>
CAA Special Purpose Activities - Border 2020	<p>This project aims to improve bi-national air quality in the Imperial-Mexicali air-shed by encouraging bi-national cooperation at the local level, increasing local capacity to coordinate and manage air quality, and using outreach to provide air quality information to the public.</p> <p>This assistance agreement provides partial funding in the amount of \$236,000.00.</p>
FY18 AIR POLLUTION CONTROL PROGRAM	<p>The Navajo Nation EPA Air Program will continue development of their ambient air monitoring program through monitoring at two sites (Nazlini and Shiprock), and will address indoor air quality issues through education, outreach and home assessments. The program will also deploy mobile and/or temporary monitoring units as needed and available.</p> <p>This assistance agreement provides federal funding in the amount of \$226,000.</p>

99T61401-0	BF	EPA R9	\$200,000.00	8/24/2017	City of Brea
99T63601-0	TX	EPA R9	\$119,900.00	8/24/2017	Lone Pine Paiute-Shoshone Reservation
99T57801-1	GA	EPA R9	\$92,100.00	8/24/2017	San Manuel Band Of Mission Indians
99T17401-5	L	EPA R9	\$75,000.00	8/24/2017	HI Dept of Health
00T37815-3	I	EPA R9	\$60,000.00	8/24/2017	Buena Vista Rancheria of The Me- Wuk Indians

Brownfields Assessment Cooperative Agreement	<p>To inventory, characterize, assess, and conduct cleanup planning and community involvement related activities for Brownfields sites in the City of Brea, California]. The project will focus on properties that comprise the planned Western Extension portion of the Tracks at Brea pedestrian and bicycle trail. Brownfields are real property, the expansion, development or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.</p> <p>This agreement provides federal funding in the amount of \$200,000. Pre-award costs approved back to 7/1/2017.</p>
CAA 103 - TRIBAL AIR QUALITY	<p>The objective of this project is to help build the tribe's capacity to assess air quality conditions and to develop strategies to address air quality issues. The tribe will continue strategic planning and evaluation, compliance assistance, monitoring air emissions, rulemaking, and other program activities.</p> <p>This agreement provides full federal funding in the amount of \$119,900. See terms and conditions.</p>
General Assistance Program	<p>The objective of this project is to expand the San Manuel Band of Mission Indians' environmental program to include developing new solid waste program outreach materials, developing a strategy to prevent potential vector breeding areas and assess tribal vector control plan, attending training, developing tribal recycling programs, evaluating procedures for tribal emergency response committee, updating environmental resource inventory, evaluating and updating baseline needs assessment, developing a composting plan, and providing general administrative and financial management of the GAP grant. This award provides funding for a period of 10/1/2018 - 9/30/2019, which is the second year of this GAP grant.</p>
Leaking Underground Storage Tanks (LUST) - Prevention	<p>The grantee's activities include: release prevention activities such as secondary containment and operator training; supporting states with inspections (including training inspectors), enforcement, and compliance assurance activities for Federally-regulated underground storage tank (UST) systems; and, database management activities related to release prevention. Assistance funds will allow recipient to operate a state program to protect against leaks from UST systems.</p>
FY15-18 WATER POLLUTION CONTROL	<p>The purpose of this project is for the grantee to further develop its water pollution control program by conducting surface water monitoring in order to assess and manage water quality on the reservation. Tribal education on water pollution will prevent resident contamination of Tribal waters.</p>

98965914-4	I	EPA R9	\$43,000.00	8/24/2017	Confederated Tribes of the Goshute Reservation
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SFY 14-18 WATER  
POLLUTION CONTROL

The purpose of this project is for the Goshute Tribe's further development of its water pollution control program by conducting a water quality monitoring program and educating the community.

**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** CQ Budget  
**Sent:** Thur 8/24/2017 10:06:17 AM  
**Subject:** Trump Threatens Shutdown, Again  
Morning Newsletter-46548.txt

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**By Jennifer Shutt, CQ**

Thursday, Aug. 24, 2017

#### TOP LINES

**1. Government Shutdown: President Donald Trump threatened to shut down the government if he doesn't get border wall money in a spending bill.**

**2. Democrats, Republicans Admonish Trump: A bipartisan group of lawmakers admonished the first-year president over his comments, saying a shutdown wouldn't be a wise choice.**

**3. McConnell Optimistic on Debt Limit: Senate Majority Leader Mitch McConnell says there is "zero chance" Congress will default on the debt by not raising the debt limit on time.**

#### FULL BRIEFING

##### 1. Trump Threatens Shutdown, Again

President Donald Trump signaled this week that he might veto any spending bill that doesn't include money for his border wall - even if that is the stopgap spending bill that will be needed to keep the government open when the new fiscal year begins on Oct. 1.

Earlier this year on Twitter, Trump threatened what he called a "good" shutdown in September, and he doubled down on those comments Tuesday evening in Arizona, saying, "If we have to close down our government, we're building that wall."

The first test of that will come in late September when Congress is expected to pass a continuing resolution to keep the government funded at current levels for the beginning of fiscal 2018. Using a CR to bridge the gap has been standard practice in recent years and would allow Congress and the White House more time to negotiate a bipartisan

budget agreement that could increase the discretionary spending cap for fiscal 2018 as well as provide time to put together a bipartisan omnibus spending package.

If Trump were to veto the September CR, a partial government shutdown would begin on Oct. 1. But if the president signed the temporary funding measure, the wall funding is likely to be central to negotiations over both a bipartisan budget agreement setting new spending caps as well as the spending bills themselves.

If Democrats and Republicans cannot reach a budget agreement, like they did in 2013 and 2015, Congress would be forced to abide by the \$1.065 trillion spending cap set out in 2011. The 2013 and 2015 agreements allowed lawmakers to increase the caps for two years.

Trump's comments Tuesday raise the prospect that even if he signs one CR without wall funds, he may be ready to veto a second CR, especially if it covered the entire fiscal year. The threat implies the potential for a partial government shutdown at some point later this year, most likely in December.

If the threatened veto does happen, Senate Majority Leader Mitch McConnell and House Speaker Paul D. Ryan would have to decide whether to let the government enter a partial shutdown during the first year of unified Republican government, or override Trump's veto. Both choices carry their own political and economic risks.

## 2. Democrats, Republicans Criticize Trump

Congressional Democrats and some Republicans on Wednesday sharply criticized Trump's shutdown threat.

Senate Democratic Leader Charles E. Schumer of New York said a partial government shutdown "won't accomplish anything;" House Democratic Leader Nancy Pelosi of California said, "Democrats will stand fast against the immoral, ineffective border wall;" and the top Democrat on the House Appropriations Committee, Nita M. Lowey of New York said Trump's comments were "the polar opposite of leadership."

House Speaker Paul D. Ryan, R-Wis., said during a conference

Wednesday that he doesn't think a partial government shutdown is necessary. But he said a stopgap spending bill will be needed to keep the government open as Congress and the White House continue working on fiscal 2018 spending bills.

"I don't think a government shutdown is necessary and I don't think most people want to see a government shutdown, ourselves included," Ryan said, taking a milder tone than his Democratic colleagues.

"The fact is, though, given the time of year it is and the rest of the appropriations bills that we have to do, we are going to need more time to complete our appropriations process, particularly in the Senate," Ryan continued. "So that's something that I think we all recognize and understand -- that we are going to need some more time to complete our appropriations process. So, I don't think anyone is interested in having a shutdown."

Ryan went on to reinforce his support for "physical barriers" along the U.S. border with Mexico.

CQ's Kellie Mejdrich reports that Senate Appropriations Chairman Thad Cochran, R-Miss., "is on record as being critical of government shutdowns, which do not advance the good of the country," according to a Senate Appropriations Committee aide for the majority. Senior House appropriator Tom Cole, R-Okla., also criticized Trump's calls for a partial government shutdown. "No, I think it's always a mistake to shut down the government... I would strongly advise against any threat to shut down the government of the United States," Cole said on CNN.

### 3. Democrats Reject 'Dreamers' for Border Wall Proposal

The White House was already trying to get ahead of the border wall stalemate before Trump made another promise of a partial government shutdown.

Officials have been working to get Trump on board with a plan that would provide deportation relief and work permits for about 800,000 people enrolled in the 2012 Deferred Action for Childhood Arrivals program in exchange for border wall funding and a reduction in legal immigration, according to a McClatchy news service report.



But the proposal has been rejected by numerous Democrats. CQ's Dean DeChiaro reports that Senate Minority Whip Richard J. Durbin of Illinois called the proposal a "nonstarter," Pelosi called it "reprehensible to treat children as bargaining chips," and a senior Democratic aide said Democrats would not support "anything resembling" the proposal.

#### 4. McConnell, Mnuchin Optimistic on Debt Limit

Senate Majority Leader Mitch McConnell and Treasury Secretary Steven Mnuchin are both confident that Congress and the administration will reach an agreement on how to address the debt limit in September, before the country defaults.

"There is zero chance -- no chance -- we won't raise the debt ceiling. No chance. America is not going to default, and we'll get the job done in conjunction with the secretary of the Treasury," McConnell said at a business event with Mnuchin this week.

Mnuchin followed up, saying "This is about having a clean debt ceiling so that we can maintain the best credit, the reserve currency, and be focused on what we should be focusing on -- so many other really important issues for the economy."

Congressional Republicans are divided over whether to pass a clean bill, or to tie the must-pass legislation to changes in future spending. With the deadline quickly approaching and many other bills on the list for September, leaders from both parties will have to reach an agreement quickly if they want to avoid a serious economic problem.

In addition to reaching a bipartisan agreement on the debt limit, Congressional leaders will have to determine whether to move the debt ceiling bill on its own or put it in a package with the continuing resolution. McConnell and Mnuchin's comments came before Trump threatened to veto spending bills that did not include border wall money. Adding the debt limit bill to a package that may or may not get vetoed could be a risky maneuver.

#### 5. Secret Service May Need Additional Funds

The Secret Service is asking Congress to lift the ceiling on how much its agents can be paid in a year to address the amount of overtime the agents have been working.

The Secret Service is not yet asking Congress for additional funds for the current fiscal year or the upcoming fiscal year, but may need to do so. "To be clear, we are not asking Congress for more money," said Secret Service spokeswoman Catherine Milhoan. CQ's Gopal Ratnam reports "the agency is only asking lawmakers to lift the pay cap. She could not say, however, if the service will need additional funding to meet salary obligations."

The Trump family is large, in multiple locations and travels frequently - requiring more security than other first families. Trump also leaves the White House frequently to play golf in Virginia and visit his properties in New York, New Jersey and Florida.

The Secret Service made a similar request of Congress in 2016, when it was providing security for multiple presidential candidates during the primary and general election campaign.

#### 6. McCaskill Writes Mattis About Improper Payments

Defense Secretary James Mattis needs to explain how the Pentagon is working to reduce the number of improper payments to contractors and individuals, according to a letter Sen. Claire McCaskill sent him this week.

"When it comes to defense spending, it's especially important that taxpayer dollars aren't being wasted and instead are being used to strengthen our national security as much as possible," said the Missouri senator, the top Democrat on the Homeland Security and Governmental Affairs Committee and a former state auditor, in a statement to CQ Roll Call. "The Department of Defense needs to lay out what they'll do to identify and reduce improper payments moving forward."

CQ's John M. Donnelly reports that "In May, the Pentagon's inspector general issued a report identifying shortfalls in compliance with five of the six reporting requirements of the Improper Payments Elimination and Recovery Act, or IPERA (PL 111-204), which requires agencies to find payment problems, devise solutions and report on progress."

McCaskill's letter ask that Mattis provide Congress with "an update on DoD's status of implementing OIG's recommendations to reform agency

compliance with IPERA for FY 2017, including whether the stated deadlines in DoD's action plan have been met, are on track for completion, or have been adjusted."

#### SCHEDULE SHIFT

With Congress in recess for the rest of this month, your Budget Tracker doesn't want to clog your mailbox while you try to enjoy some time at the beach or your favorite summer vacation spot.

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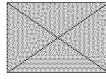
E-mail: [davidlerman@cqrollcall.com](mailto:davidlerman@cqrollcall.com) or [budget@cq.com](mailto:budget@cq.com)

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Issue-Id: 181511044:budgettracker:1284

## CQ BUDGET

By Jennifer Shutt, CQ

Thursday, Aug. 24, 2017

### TOP LINES

1. Government Shutdown: President Donald Trump threatened to shut down the government if he doesn't get border wall money in a spending bill.

2. Democrats, Republicans Admonish Trump: A bipartisan group of lawmakers admonished the first-year president over his comments, saying a shutdown wouldn't be a wise choice.

3. McConnell Optimistic on Debt Limit: Senate Majority Leader Mitch McConnell says there is "zero chance" Congress will default on the debt by not raising the debt limit on time.

### FULL BRIEFING

#### 1. Trump Threatens Shutdown, Again

President Donald Trump signaled this week that he might veto any spending bill that doesn't include money for his border wall - even if that is the stopgap spending bill that will be needed to keep the government open when the new fiscal year begins on Oct. 1.

Earlier this year on Twitter, Trump threatened what he called a "good" shutdown in September, and he doubled down on those comments Tuesday evening in Arizona, saying, "If we have to close down our government, we're building that wall."

The first test of that will come in late September when Congress is expected to pass a continuing resolution to keep the government funded at current levels for the beginning of fiscal 2018. Using a CR to bridge the gap has been standard practice in recent years and would allow Congress and the White House more time to negotiate a bipartisan budget agreement that could increase the discretionary spending cap for fiscal 2018 as well as provide time to put together a bipartisan omnibus spending package.

If Trump were to veto the September CR, a partial government shutdown would begin on Oct. 1. But if the president signed the temporary funding measure, the wall funding is likely to be central to negotiations over both a bipartisan budget agreement setting new spending caps as well as the spending bills themselves.

If Democrats and Republicans cannot reach a budget agreement, like they did in 2013 and 2015, Congress would be forced to abide by the \$1.065 trillion spending cap set out in 2011. The 2013 and 2015 agreements allowed lawmakers to increase the caps for two years.

Trump's comments Tuesday raise the prospect that even if he signs one CR without wall funds, he may be ready to veto a second CR, especially if it

covered the entire fiscal year. The threat implies the potential for a partial government shutdown at some point later this year, most likely in December.

If the threatened veto does happen, Senate Majority Leader Mitch McConnell and House Speaker Paul D. Ryan would have to decide whether to let the government enter a partial shutdown during the first year of unified Republican government, or override Trump's veto. Both choices carry their own political and economic risks.

## 2. Democrats, Republicans Criticize Trump

Congressional Democrats and some Republicans on Wednesday sharply criticized Trump's shutdown threat.

Senate Democratic Leader Charles E. Schumer of New York said a partial government shutdown "won't accomplish anything;" House Democratic Leader Nancy Pelosi of California said, "Democrats will stand fast against the immoral, ineffective border wall;" and the top Democrat on the House Appropriations Committee, Nita M. Lowey of New York said Trump's comments were "the polar opposite of leadership."

House Speaker Paul D. Ryan, R-Wis., said during a conference Wednesday that he doesn't think a partial government shutdown is necessary. But he said a stopgap spending bill will be needed to keep the government open as Congress and the White House continue working on fiscal 2018 spending bills.

"I don't think a government shutdown is necessary and I don't think most people want to see a government shutdown, ourselves included," Ryan said, taking a milder tone than his Democratic colleagues.

"The fact is, though, given the time of year it is and the rest of the appropriations bills that we have to do, we are going to need more time to complete our appropriations process, particularly in the Senate," Ryan continued. "So that's something that I think we all recognize and understand -- that we are going to need some more time to complete our appropriations process. So, I don't think anyone is interested in having a shutdown."

Ryan went on to reinforce his support for "physical barriers" along the U.S. border with Mexico.

CQ's Kellie Mejdrich reports that Senate Appropriations Chairman Thad Cochran, R-Miss., "is on record as being critical of government shutdowns, which do not advance the good of the country," according to a Senate Appropriations Committee aide for the majority. Senior House appropriator Tom Cole, R-Okla., also criticized Trump's calls for a partial government shutdown. "No, I think it's always a mistake to shut down the government... I would strongly advise against any threat to shut down the government of the United States," Cole said on CNN.

### 3. Democrats Reject 'Dreamers' for Border Wall Proposal

The White House was already trying to get ahead of the border wall stalemate before Trump made another promise of a partial government shutdown.

Officials have been working to get Trump on board with a plan that would provide deportation relief and work permits for about 800,000 people enrolled in the 2012 Deferred Action for Childhood Arrivals program in exchange for border wall funding and a reduction in legal immigration, according to a McClatchy news service report.

But the proposal has been rejected by numerous Democrats. CQ's Dean DeChiaro reports that Senate Minority Whip Richard J. Durbin of Illinois called the proposal a "nonstarter," Pelosi called it "reprehensible to treat children as bargaining chips," and a senior Democratic aide said Democrats would not support "anything resembling" the proposal.

### 4. McConnell, Mnuchin Optimistic on Debt Limit

Senate Majority Leader Mitch McConnell and Treasury Secretary Steven Mnuchin are both confident that Congress and the administration will reach an agreement on how to address the debt limit in September, before the country defaults.

"There is zero chance -- no chance -- we won't raise the debt ceiling. No chance. America is not going to default, and we'll get the job done in conjunction with the secretary of the Treasury," McConnell said at a business event with Mnuchin this week.

Mnuchin followed up, saying "This is about having a clean debt ceiling so that we can maintain the best credit, the reserve currency, and be focused on what we should be focusing on -- so many other really important issues for the economy."

Congressional Republicans are divided over whether to pass a clean bill, or to tie the must-pass legislation to changes in future spending. With the deadline quickly approaching and many other bills on the list for September, leaders from both parties will have to reach an agreement quickly if they want to avoid a serious economic problem.

In addition to reaching a bipartisan agreement on the debt limit, Congressional leaders will have to determine whether to move the debt ceiling bill on its own or put it in a package with the continuing resolution. McConnell and Mnuchin's comments came before Trump threatened to veto spending bills that did not include border wall money. Adding the debt limit bill to a package that may or may not get vetoed could be a risky maneuver.

### 5. Secret Service May Need Additional Funds

The Secret Service is asking Congress to lift the ceiling on how much its agents can be paid in a year to address the amount of overtime the agents have been working.

The Secret Service is not yet asking Congress for additional funds for the

current fiscal year or the upcoming fiscal year, but may need to do so. "To be clear, we are not asking Congress for more money," said Secret Service spokeswoman Catherine Milhoan. CQ's Gopal Ratnam reports "the agency is only asking lawmakers to lift the pay cap. She could not say, however, if the service will need additional funding to meet salary obligations."

The Trump family is large, in multiple locations and travels frequently - requiring more security than other first families. Trump also leaves the White House frequently to play golf in Virginia and visit his properties in New York, New Jersey and Florida.

The Secret Service made a similar request of Congress in 2016, when it was providing security for multiple presidential candidates during the primary and general election campaign.

#### 6. McCaskill Writes Mattis About Improper Payments

Defense Secretary James Mattis needs to explain how the Pentagon is working to reduce the number of improper payments to contractors and individuals, according to a letter Sen. Claire McCaskill sent him this week.

"When it comes to defense spending, it's especially important that taxpayer dollars aren't being wasted and instead are being used to strengthen our national security as much as possible," said the Missouri senator, the top Democrat on the Homeland Security and Governmental Affairs Committee and a former state auditor, in a statement to CQ Roll Call. "The Department of Defense needs to lay out what they'll do to identify and reduce improper payments moving forward."

CQ's John M. Donnelly reports that "In May, the Pentagon's inspector general issued a report identifying shortfalls in compliance with five of the six reporting requirements of the Improper Payments Elimination and Recovery Act, or IPERA (PL 111-204), which requires agencies to find payment problems, devise solutions and report on progress."

McCaskill's letter ask that Mattis provide Congress with "an update on DoD's status of implementing OIG's recommendations to reform agency compliance with IPERA for FY 2017, including whether the stated deadlines in DoD's action plan have been met, are on track for completion, or have been adjusted."

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**To:** Beck, Nancy[Beck.Nancy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]  
**Cc:** Ferguson, Lincoln[ferguson.lincoln@epa.gov]  
**From:** Chancellor, Erin  
**Sent:** Fri 6/22/2018 4:13:18 PM  
**Subject:** RE: Touching base regarding Monday  
PFAS Update.docx

If needed, here are the points from senior staff merged with the key messaging for the community engagement events.

**Erin E. Chancellor**

Counsel to the Administrator

U.S. Environmental Protection Agency

(202) 566-1757 (office)

**Ex. 6 - Personal Privacy** (cell)

[chancellor.erin@epa.gov](mailto:chancellor.erin@epa.gov)

**From:** Beck, Nancy  
**Sent:** Friday, June 22, 2018 11:58 AM  
**To:** Chancellor, Erin <chancellor.erin@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>  
**Cc:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Subject:** RE: Touching base regarding Monday

There are general PFOS talkers somewhere, OW had the lead.

Looping in Lincoln who should have them.

---

Nancy B. Beck, Ph.D., DABT

Deputy Assistant Administrator, OCSPP

P: 202-564-1273

M: Ex. 6 - Personal Privacy

[beck.nancy@epa.gov](mailto:beck.nancy@epa.gov)

**From:** Chancellor, Erin

**Sent:** Friday, June 22, 2018 11:29 AM

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**Sent:** Friday, June 22, 2018 11:22 AM

**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>

**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>;  
Skylar McElhaney <[Skylar.McElhaney@deq.ok.gov](mailto:Skylar.McElhaney@deq.ok.gov)>

**Subject:** RE: Touching base regarding Monday

## **Ex. 5 - Deliberative Process**

**From:** Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]  
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**Cc:** Jackson, Ryan; Kunding, Kelly  
**Subject:** Touching base regarding Monday

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OK DEQ

707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

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Skylar McElhaney <[Skylar.McElhaney@deq.ok.gov](mailto:Skylar.McElhaney@deq.ok.gov)>  
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[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)

**To:** Appointed Assistant Administrators[Appointed\_Assistant\_Administrators@epa.gov]; Appointed Associate Administrators[Appointed\_Associate\_Administrators@epa.gov]; Appointed Deputy Assistant Administrators[Appointed\_Deputy\_Assistant\_Administrators@epa.gov]; Appointed Deputy Associate Administrators[Appointed\_Deputy\_Associate\_Administrators@epa.gov]; Burton, Tamika[burton.tamika@epa.gov]; Carroll, Carly[Carroll.Carly@epa.gov]; Carter, Donnell[Carter.Donnell@epa.gov]; Chancellor, Erin[chancellor.erin@epa.gov]; Cortes, Emilio[Cortes.Emilio@epa.gov]; Darwin, Henry[darwin.henry@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; Dickerson, Aaron[dickerson.aaron@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Fonseca, Silvina[Fonseca.Silvina@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; HQ-COS[HQ-COS@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Johnson, Laura-S[Johnson.Laura-S@epa.gov]; Leadership\_Assistant\_Administrators[Leadership\_Assistant\_Administrators@epa.gov]; Leadership\_Associate\_Administrators[Leadership\_Associate\_Administrators@epa.gov]; Leadership\_Deputy\_Assistant\_Administrators[Leadership\_Deputy\_Assistant\_Administrators@epa.gov]; Leadership\_Deputy\_Associate\_Administrators[Leadership\_Deputy\_Associate\_Administrators@epa.gov]; Leadership\_Deputy\_Regional\_Administrators[Leadership\_Deputy\_Regional\_Administrators@epa.gov]; Leadership\_Regional\_Administrators[Leadership\_Regional\_Administrators@epa.gov]; Maher, Karen[Mahe.Karen@epa.gov]; McDonald, Carolyn[McDonald.Carolyn@epa.gov]; Molina, Michael[molina.michael@epa.gov]; Sauerhage, Maggie[Sauerhage.Maggie@epa.gov]; Simon, Nigel[Simon.Nigel@epa.gov]; Wheeler, Andrew[wheeler.andrew@epa.gov]; Willis, Sharnett[Willis.Sharnett@epa.gov]; Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]  
**From:** Burton, Tamika  
**Sent:** Fri 6/22/2018 3:45:07 PM  
**Subject:** Weekly Report 6.22.2018  
[6.22.2018 Weekly Report.pdf](#)  
[Weekly Report 6.22.2018.docx](#)

Good Morning,

Please see the attached weekly report for this week: 6.22.2018

Have a great weekend!

*Tamika Burton*

*Staff Assistant to the Deputy Administrator*

*Immediate Office of the Administrator*

*MC 1104A Room 3412 WJC North*

*(202) 564-4771 (d)*

Ex. 6 - Personal Privacy (c)

*burton.tamika@epa.gov*



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### **Tar Creek Superfund Site,**

Elevated blood lead level (11 micrograms per deciliter) has been identified in a 1 ½ year old child living in a residence near an old smelter associated with the Tar Creek Superfund site. Some parts of the property were remediated during cleanup activities several years however, access was not provided to portions of the property where soil concentrations of lead could be high. Additionally, the resident's drinking water well has an integrity failure and influence from groundwater contaminated with lead. Region 6 and ODEQ are working with the resident to provide an alternative source of drinking water and to permanently relocate the family under the original relocation program for Tar Creek.

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**Subject:** RE: Touching base regarding Monday

Proposed attendees:

Scott Thompson, Executive Director

Kelly Dixon, Land Protection Division

Lloyd Kirk, External Affairs

Shellie Chard, Water Quality

Michelle Wynn, Legislative Liaison

Erin Hatfield, Public Information Officer

Chris Armstrong, State Environmental Laboratory

Proposed Topics:

- PFOS/PFOA
- Superfund (in general and Eagle Industries, Tar Creek, Wilcox)
- RCRA (Macy's SEP was a positive)
- Water loss audits (our program that helps water systems save water and money)
- FACT team, including tribes, USDA, DWSRF and state funding projects
- Importance of building drought resiliency into drinking water systems in response to drought, shifting population, expanding water demanding industries

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**Sent:** Thursday, June 21, 2018 4:13 PM

**To:** Fenton Rood

**Cc:** Jackson, Ryan; Kunding, Kelly

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OK DEQ

707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)

**To:** Gordon, Stephen[gordon.stephen@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** Cory, Preston (Katherine)  
**Sent:** Mon 10/2/2017 9:42:33 PM  
**Subject:** RE: Kentucky revised Memo  
WOTUS Responses.docx

KY WOTUS comments attached. Let me know if y'all need anything else.

**From:** Gordon, Stephen  
**Sent:** Monday, October 2, 2017 5:41 PM  
**To:** Bennett, Tate <Bennett.Tate@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>  
**Subject:** RE: Kentucky revised Memo

Ok sounds good I'll hang tight on this for now.

**From:** Bennett, Tate  
**Sent:** Monday, October 2, 2017 5:39 PM  
**To:** Gordon, Stephen <gordon.stephen@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>  
**Subject:** Kentucky revised Memo

Stephen, see revised suggested edits. Hang tight until we get updates on West Lake and the following from Preston. Preston, do you have KY's comments from the WOTUS federalism consultation? We need to tweak our WOTUS section accordingly.

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

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Bennett.Tate@epa.gov

ADMINISTRATOR SCOTT PRUITT

Wednesday, June 21, 2017

WOTUS Feedback Data

OCIR

Response Tally

Attorney Generals: 20

Governors: 19

Depts. of Agriculture: 12

Depts. of Environmental Quality: 20

Responses of Interest

**Gov. LePage (ME)** supports reinstatement of previous definition of WOTUS and supports redefining federal Clean Water Act jurisdiction in accordance with Justice Scalia's plurality opinion in *Rapanos v. U.S.*

**Gov. McAuliffe (VA)** via Virginia Dept. of Agriculture and Consumer Services- finds Clean Water Rule places "significant regulatory burden on Virginia Farmers" and has allowed the federal government to regulate seasonal bodies of water previously regulated by the state. The oversight of non-navigable waters must remain at the state level.

**Western Governors** (19 Western States) support full collaboration with the states during review of the CWA after EPA's failure to recognize primary authority of states in management and allocation of water resources.

ADMINISTRATOR SCOTT PRUITT

Wednesday, June 21, 2017

WOTUS Feedback Data

OCIR

Assoc. of Clean Water Administrators  
Assoc. of Floodplain Managers  
Assoc. of Wetland Managers  
Environmental Council of the States  
National Assoc. of Clean Water Agencies  
National Assoc. of Conservation Districts  
National Assoc. of Counties  
National Assoc. of State Dept. of Agriculture  
National Conference of State Legislatures  
National Governors Association  
National Municipal Stormwater Alliance  
National Water Resources Association  
United States Conference of Mayors  
Western States Water Council

**Alabama:**

Alabama Dept. of Agriculture and Industries  
Attorney General Steve Marshall

**Alaska:**

*Gov. Bill Walker*  
Attorney General Jahna Lindemuth

**Arizona:**

*Gov. Douglas Ducey*

**Arkansas**

*Gov. Asa Hutchinson*  
Attorney General Leslie Rutledge  
Arkansas Agriculture Department  
Arkansas Dept. of Environmental Quality via  
ECOS

**California:**

Gov. Edmund G. Brown, Jr.  
California Assoc. of Sanitation Agencies

**Colorado:**

Dept. of Public Health and Environment via  
ECOS

Colorado Dept. of Agriculture  
Colorado Dept. of Natural Resources  
Colorado Dept. of Public Health and  
Environment

**Connecticut:**

Connecticut Dept. of Environmental Protection

**Florida:**

Florida Dept. of Agriculture and Consumer  
Services  
Florida Dept. of Environmental Protection

**Georgia:**

Attorney General Christopher M. Carr  
Georgia Environmental Protection Agency

**Hawaii:**

*Gov. David Ige*

**Idaho:**

*Gov. Butch Otter*  
Idaho Dept. of Agriculture  
Idaho Dept. of Environmental Quality  
Idaho Dept. of Water Resources

**Indiana:**

Assoc. of Indiana Counties  
Attorney General Curtis Hill

**Iowa:**

*Gov. Kim Reynolds*  
Lt. Gov. Adam Gregg

**Kansas:**

*Gov. Sam Brownback*  
Attorney General Derek Schmidt

**Kentucky:**

Attorney General Andy Beshear

ADMINISTRATOR SCOTT PRUITT

Wednesday, June 21, 2017

WOTUS Feedback Data

OCIR

**Louisiana:**

Attorney General Jeff Landry

**Maine:**

*Gov. Paul LePage*

**Massachusetts:**

Massachusetts Dept. of Environmental  
Protection

**Michigan:**

Attorney General Bill Schuette  
Michigan Dept. of Environmental Quality  
Michigan Dept. of Agriculture and Rural  
Development

**Minnesota:**

Minnesota Dept. of Natural Resources  
Minnesota Pollution Control Agency

**Mississippi:**

*Gov. Phil Bryant*

**Missouri:**

*Gov. Eric Greitens*  
Attorney General Joshua Hawley  
Missouri Dept. of Natural Resources

**Montana:**

*Gov. Steve Bullock* on behalf of Western  
Governors

**Nebraska:**

*Gov. Pete Ricketts*  
Nebraska Dept. of Environmental Quality  
Nebraska Dept. of Agriculture

**Nevada:**

*Gov. Brian Sandoval*

Attorney General Adam Laxalt

Nevada Division of Environmental Protection

**New Hampshire:**

*Gov. Chris Sununu*

**New Mexico:**

New Mexico Dept. of Agriculture

**North Dakota:**

*Gov. Doug Burgum*

Attorney General Wayne Stenehjem

**Ohio:**

Attorney General Mike DeWine  
Ohio Dept. of Natural Resources  
Ohio Environmental Protection Agency

**Oklahoma:**

Attorney General Mike Hunter

**Oregon:**

Oregon Dept. of Environmental Quality  
Oregon Dept. of Fish and Wildlife  
Oregon Dept. of Forestry  
Oregon Dept. of State Lands

**Pennsylvania:**

Pennsylvania Dept. of Environmental Protection  
Pennsylvania Dept. of Conservation and Natural  
Resources  
Pennsylvania Department of Agriculture  
Pennsylvania Fish and Boat Commission

**South Carolina:**

*Gov. Henry McMaster*  
Attorney General Alan Wilson

**South Dakota:**

ADMINISTRATOR SCOTT PRUITT

Wednesday, June 21, 2017

WOTUS Feedback Data

OCIR

*Gov. Dennis Daugaard* on behalf of Western  
Governors

Attorney General Marty Jackley

South Dakota Dept. of Environment and Natural  
Resources

*Gov. Matthew H. Mead*

Dept. of Environmental Quality, Director

**Tennessee:**

Tennessee Dept. of Agriculture

Tennessee Dept. of Environment and  
Conservation

**Texas:**

Attorney General Ken Paxton

Texas Commission on Environmental Quality

Texas Dept. of Agriculture

Texas Dept. of Transportation

Texas General Land Office

Texas Railroad Commission

**Utah:**

Attorney General Sean Reyes

**Virginia:**

*Gov. Terry McAuliffe*

Virginia Dept. of Agriculture and Consumer  
Services

**Washington:**

Washington Department of Ecology

**West Virginia:**

Attorney General Patrick Morrisey

West Virginia Dept. of Environmental  
Protection, Deputy Secretary

**Wisconsin:**

Attorney General Brad Schimel

Wisconsin Dept. of Natural Resources

**Wyoming:**

**To:** Abboud, Michael[abboud.michael@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Darwin, Henry[darwin.henry@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Hale, Michelle[hale.michelle@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]; Hupp, Sydney[hupp.sydney@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Konkus, John[konkus.john@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Morris, Madeline[morris.madeline@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Shimmin, Kaitlyn[shimmin.kaitlyn@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]  
**From:** Morris, Madeline  
**Sent:** Fri 8/11/2017 6:55:17 PM  
**Subject:** FW: Weekly Report 08.11.2017  
[Weekly report 08112017.docx](#)

Here you go everyone!

**From:** Burton, Tamika  
**Sent:** Friday, August 11, 2017 1:52 PM  
**Subject:** Weekly Report 08.11.2017

Good Afternoon,

Please see the attached weekly report for 08.11.2017.

Best regards,

*Tamika Burton*

*Staff Assistant*



*Office of the Deputy Administrator*

*MC 1104A Room 3412 WJC North*

*(202) 564-4771 (d)*

Ex. 6 - Personal Privacy (c)

*burton.tamika@epa.gov*



# **Ex. 5 - Deliberative Process**

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### **Tar Creek, Picher, Oklahoma**

Region 6 continues Operable Unit 5 field sampling to fill data gaps related to characterization of and potential risk related to sediment and surface water within the Tri-state Watershed investigation area. The sampling is being accomplished through joint coordination and cooperation with Region 7; the states of Oklahoma, Missouri and Kansas; the Quapaw, Peoria, Ottawa, Miami, Eastern Shawnee, Wyandotte, Seneca-Cayuga, and Cherokee tribes; and other federal and state agencies (U.S. Fish and Wildlife, U.S. Geological Survey, Oklahoma Department of Wildlife). The sampling is focusing on a tri-state watershed approach to address sediments and surface water in perennial streams that may be impacted by mining operations. The project area consists of seven watersheds, and covers approximately 437 square miles and 119 river miles. Senior Advisor Albert Kelly will tour the Tar Creek Superfund site on Monday, August 14. San Francisco-based media site, Timeline, is working on a story about how Picher evolved from a wartime boom town to a ghost town.

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**From:** Burton, Tamika  
**Sent:** Fri 8/11/2017 5:51:48 PM  
**Subject:** Weekly Report 08.11.2017  
[Weekly report 08112017.docx](#)

Good Afternoon,

Please see the attached weekly report for 08.11.2017.

Best regards,

*Tamika Burton*

*Staff Assistant*

*Office of the Deputy Administrator*

*MC 1104A Room 3412 WJC North*

*(202) 564-4771 (d)*

Ex. 6 - Personal Privacy (c)

*burton.tamika@epa.gov*



**To:** Abboud, Michael[abboud.michael@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Darwin, Henry[darwin.henry@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Hale, Michelle[hale.michelle@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]; Hupp, Sydney[hupp.sydney@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Konkus, John[konkus.john@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Morris, Madeline[morris.madeline@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Shimmin, Kaitlyn[shimmin.kaitlyn@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]  
**From:** Morris, Madeline  
**Sent:** Fri 8/4/2017 5:54:32 PM  
**Subject:** FW: Weekly Report 08042017  
[Weekly Report 08042017.docx](#)

Good afternoon everyone! As Ryan mentioned on Monday, we will have a staff meeting at 8:00am on Monday, and here is the weekly report.

Please let me know if you have any questions!

Have a good weekend!

**From:** Burton, Tamika  
**Sent:** Friday, August 4, 2017 1:51 PM  
**Subject:** Weekly Report 08042017

Good Afternoon,

Please see attached the weekly report for this week.



Best regards,

*Tamika Burton*

*Staff Assistant*

*Office of the Deputy Administrator*

*MC 1104A Room 3412 WJC North*

*(202) 564-4771 (d)*

Ex. 6 - Personal Privacy (c)

*burton.tamika@epa.gov*



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## **Tar Creek, Picher, Oklahoma**

Region 6, Office of the Administrator, Office of Water, Office of Land and Emergency Management and Office of International and Tribal Affairs officials will tour the Tar Creek site and meet with Quapaw Tribal Chairman Berrey and other tribal members on August 14, 2017. EPA recently awarded \$4,896,088 in financial assistance to the Quapaw Tribe of Oklahoma. The tribe will use the funds to continue remediating contaminated soils from tribal lands. The tour and subsequent discussion will highlight the partnership EPA has with the Quapaw Tribe and provide an opportunity for the Quapaw to illustrate the remediation work they have performed since signing a Cooperative Agreement with the Agency in October, 2012.

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**To:** Abboud, Michael[abboud.michael@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Boats, Brian[boats.brian@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Caldwell, James[Caldwell.James@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Darwin, Henry[darwin.henry@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Dickerson, Aaron[dickerson.aaron@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Hale, Michelle[hale.michelle@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]; Hupp, Sydney[hupp.sydney@epa.gov]; Jackson, Jennifer L.[Jackson.Jennifer@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Konkus, John[konkus.john@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Mickle, John[Mickle.John@epa.gov]; Morris, Madeline[morris.madeline@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Perrotta, Pasquale[Perrotta.Pasquale@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Smith, Chris-L[Smith.Chris-L@epa.gov]; Su, Wendy[su.wendy@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Willis, Sharnett[Willis.Sharnett@epa.gov]; Woodward, Cheryl[Woodward.Cheryl@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]

**From:** Morris, Madeline

**Sent:** Fri 7/14/2017 8:32:50 PM

**Subject:** Weekly Report and Calendar

Weekly Report7132017.docx

July through August.pdf

Here you go. Hope everyone has a good weekend!

Best,  
Maddy

**Madeline Morris** Executive Scheduler | Office of the Administrator | direct:

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

# **Ex. 5 - Deliberative Process**

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### **Tar Creek Superfund Site is**

The office of Research and Development along with the EPA Groundwater, Wetlands, and Ecosystems Restoration Division (GWERD/ADA) are planning to conduct a field study during the week of July 17 along a portion of Tar Creek to assess ground water seepage flux. This will assess the magnitude and direction of seepage between groundwater and surface water in this area as well as the general water quality characteristics of shallow groundwater. These data will provide additional information to determine any future design and/or remediation work in the area.

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**To:** Nolan, Rich[RNolan@nma.org]  
**From:** Bennett, Tate  
**Sent:** Thur 12/7/2017 2:13:49 PM  
**Subject:** Re: Morning Energy: Pruitt heads to House grilling today — Major flop in Alaska lease sale bodes ill for ANWR estimates — McIntyre gets sworn in at FERC today

♥♥ ♥♥ ♥♥

On Dec 7, 2017, at 8:12 AM, Nolan, Rich <RNolan@nma.org> wrote:

Sending 5

On Dec 7, 2017, at 7:43 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Usual suspects

On Dec 7, 2017, at 7:40 AM, Nolan, Rich <RNolan@nma.org> wrote:

Begin forwarded message:

**From:** "POLITICO Pro Energy" <politicoemail@politicopro.com>  
**Date:** December 7, 2017 at 5:45:03 AM EST  
**To:** <rnolan@nma.org>  
**Subject:** Morning Energy: Pruitt heads to House grilling today — Major flop in Alaska lease sale bodes ill for ANWR estimates — McIntyre gets sworn in at FERC today  
**Reply-To:** "POLITICO subscriptions" <reply-fe871372766d01787c-630326\_HTML-637936621-1376319-0@politicoemail.com>

By Anthony Adragna | 12/07/2017 05:43 AM EDT

*With help from Emily Holden, Eric Wolff and Alex Guillén*

**WELCOME TO CONGRESS, MR. PRUITT:** EPA Administrator Scott Pruitt makes his long-awaited first appearance before a House Energy and Commerce subpanel this morning where he's expected to get grilled on a host of issues. The session will be broken into two segments — 10-11 a.m. and then 2 p.m. onwards — to allow Pruitt to attend a White House meeting on biofuels (more on that below). Look for E&C Environment Chairman John Shimkus to recognize the arrangement is "not ideal, but gives members maximum ability to personally question the administrator about the agency's

mission" during his opening remarks.

**What Republicans will say:** Expect Chairman [Greg Walden](#) to press Pruitt on budget transparency and his plans to address staffing issues: "I expect that 'Back to Basics' is not an abdication of environmental protection, but rather a rededication to mastering the most fundamental aspects of EPA's mission," he'll say, according to prepared remarks glimpsed by ME. Shimkus said his questions could touch on a range of topics, including TSCA, brownfields, safe drinking water and the agency's staffing.

**And Democrats?** "We're all noticing the orientation toward the environment is completely different with respect to budgeting, with respect to climate change, potentially with respect to methane, particulates," Rep. [Scott Peters](#), a subcommittee member, told ME. "So, I just think we want to get a sense of where he's going and how he'll measure success." The committee's top Democrat, [Frank Pallone](#), wouldn't reveal what he intends to grill Pruitt about when ME caught up to him in the hall.

**Pro's Alex Guillén's expectations for Pruitt's first Capitol Hill**

**appearance in six months:** "Lawmakers have probably built up some serious questions in that time, so we could see questioning on practically any issue before EPA: the Clean Power Plan repeal effort; the Waters of the U.S. rewrite; Superfund work; proposed budget cuts; Pruitt's decision earlier this year not to ban chlorpyrifos; and his increased security and travel. Pruitt's [prepared testimony](#) offers a standard overview of his EPA philosophy."

**Rally time:** Environmental and public health advocates, including the Union of Concerned Scientists, Sierra Club, Business Forward and the Alliance of Nurses for Healthy Environments, will rally outside Rayburn at 9:20 a.m. to draw attention to Pruitt's lagging enforcement efforts, spending habits and overhauls of science advisory panels. Ahead of the session, the Environmental Defense Fund updated their "[Pruitt Playbook](#)" and the Union of Concerned Scientists offers some [suggested questions](#) to ask.

**If you go:** The [hearing](#) kicks off at 10 a.m. in Rayburn 2123.

**WHY PRUITT'S LEAVING:** Sen. [Ted Cruz](#) has secured a meeting today at 11:30 a.m. with President Donald Trump and several Cabinet members, including Pruitt, for what he told ME is likely to be a "free-ranging discussion" about biofuels and the [recent fights](#) over the Renewable Fuel Standard. His message? "We need to find a solution that is a win-win. That is a win for corn farmers across the Midwest but at the same time is a win for blue-collar union members who work in refineries and right now are being bankrupted by a regulatory system that isn't working," the Texas Republican said. Other Senate Republicans are expected to attend as well (perhaps the ones who signed [this letter](#)). Remember Cruz still has a hold on Bill

Northey's USDA's farm and conservation mission nomination, so watch to see if that's lifted as the most immediate outcome of the session.

**Oilies only:** Sen. Chuck Grassley wasn't invited to the meeting, his spokesman said, but not to worry: Grassley has said that a White House RFS meeting would be "a waste of time." And if there's one thing energy world knows now, it's that if you don't have Gang Grain, you got nothing.

**WELCOME TO THURSDAY!** I'm your host Anthony Adragna, and no one was able to name the Father Millet Cross national monument (which has since been transferred by Congress to a state park) as our nation's smallest at just 0.0074 acres when designated. For today: Which state currently has the most national monuments at 18? Send your tips, energy gossip and comments to [aadragna@politico.com](mailto:aadragna@politico.com), or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning\\_Energy](https://twitter.com/Morning_Energy) and [@POLITICOPro](https://twitter.com/POLITICOPro).

**ARCTIC LEASE SALE FLOP:** Despite touting the "largest ever" lease sale in the National Petroleum Reserve-Alaska, BLM received just bids on seven of the 900 tracts offered, Pro's Ben Lefebvre reports. Those bids, generating just \$1.2 million in high bids, came jointly by ConocoPhillips and Anadarko for 80,000 acres, or less than 1 percent of the acreage offered. The highest bid amount was \$14.99 per acre. The relatively low amount could undercut GOP arguments that opening up the nearby Arctic National Wildlife Refuge would generate \$1 billion in revenue. Leasing of state land did quite a bit better, according to the Anchorage Daily News.

**For perspective:** At the price of \$14.99/acre, "leasing the entirety of the Arctic Refuge Coastal Plain's 1.5 million acres would raise slightly more than \$11 million in revenue for the federal government, a far cry from the billion dollar lie that Trump and Republicans are feeding the American public," the Alaska Wilderness League's Kristen Miller said in a statement. Remember the Republican budget calls for Senate ENR to kick in \$1 billion in revenue (which CBO said would come through ANWR drilling), though the lease results seem to bolster skepticism from environmental advocates and Democrats about those estimates.

**Situational awareness:** Energy Chairman Lisa Murkowski was named a tax conferee late Wednesday, along with Sens. Orrin Hatch, Mike Enzi, John Cornyn, John Thune, Rob Portman, Tim Scott and Pat Toomey. "With Congressman [Don Young] representing the House of Representatives on our energy provisions, Alaskans will have a very strong voice at the table to ensure this bill crosses the finish line," she said in a statement.

**No (strategic petroleum) reservations:** Count Shimkus, a tax conferee, among the backers of the Senate's approach of selling off 7 million barrels from the Strategic Petroleum Reserve as part of the final tax package H.R. 1

(115). "There was a reason to have the SPR," he told ME. "There is a credible reason to debate whether, for now and in the immediate future, there is a need." He also said he's a "big ANWR supporter" and that he doesn't see the Arctic drilling provision getting pulled from the final version.

**INHOFE, PRUITT'S TOXIC LEGACY:** POLITICO Magazine's Malcolm Burnley takes [a deep dive](#) into the contaminated Oklahoma region of Tar Creek, an area so poisonous that only 10 holdouts live there, and he finds a buyout program for residents that left Sen. [Jim Inhofe](#) awash in scandal and litigation. Then-Attorney General Scott Pruitt ultimately concluded an audit into possible criminal wrongdoing didn't warrant charges and he shielded his review from public release, only to have some in the state believe his efforts were designed to spare Inhofe embarrassment. Many residents in the polluted zone of Tar Creek continue to express shock that no one was prosecuted over what happened in their federal buyout program

**Pruitt and Inhofe flatly denied** there was any political motivation in shielding the audit. "It was important to protect the individuals' reputation that were in that investigation," Pruitt said in an interview. "You would think that this wouldn't be a political issue, that people wouldn't put on the red and blue jerseys." One interesting fact though: Ryan Jackson, now Pruitt's chief of staff, was once Inhofe's point person on the Tar Creek issue. [Photo gallery here.](#)

**Pruitt's new gig:** Trump named the EPA administrator to chair the Gulf Coast Ecosystem Restoration Council, a group formed after the Deepwater Horizon oil spill restore the ecosystems and economies of the Gulf Coast, your ME host [reports](#). Pruitt named Kenneth Wagner, a senior adviser, to be his designee on the council.

**MAY FERC NOW BE WHOLE:** New FERC Chairman Kevin McIntyre will be sworn in today, bringing the five-member agency to full power, Pro's Eric Wolff [reports](#). His swearing-in will put to rest rumors that either the Trump administration or McIntyre himself were delaying his start date to give current Chairman Neil Chatterjee enough service time to make staffing changes

**MORE HEARINGS COMING ON CLEAN POWER PLAN:** EPA announced Wednesday it would hold additional public hearings on its plan to repeal the Clean Power Plan in San Francisco; Gillette, Wyo.; and Kansas City, Mo., Pro's Emily Holden [reports](#). Pruitt said the change was "due to the overwhelming response" and the agency will announce the dates and locations of the meetings in the coming weeks.

**SPLIT OVER EXTENDERS?** Ways and Means Chairman [Kevin Brady](#) told reporters Wednesday he doesn't like the idea of moving a package of

extenders this year but hasn't made a final decision yet, Pro Tax's Brian Faler [reports](#). "It's horrible policy and process," he said. But those comments come as Thune, the Senate's number three Republican, said lawmakers will revive biodiesel, geothermal and other energy-related breaks along with other "cats and dogs." Doing an extenders package as the chambers work to iron out differences between their broader tax bills is likely to test tax writers' bandwidth.

**Shutdown watch:** Congressional leaders head to the White House for a meeting with Trump on government funding today, but GOP lawmakers expect to pass a two-week spending package despite internal division within their party, POLITICO's Rachael Bade and Sarah Ferris [report](#). House Freedom Caucus leaders have been asking for a commitment GOP leadership does not believe it can give them: a promise to "hold the line" and refuse Senate Democrats' demands for increased spending on non-defense programs.

**House Democrats**, including Minority Whip Steny Hoyer, hold a press conference at 10 a.m. in Cannon 234 to call on Republicans to take up additional federal assistance for Puerto Rico and the U.S. Virgin Islands. Watch [here](#).

**ICYMI:** Both sides framed their arguments at a hearing of the U.S. Trade Representative over whether to impose tariffs on solar equipment imports in language aimed at swaying Trump, Pro's Eric Wolff [reports](#).

**PATAGONIA SUES OVER BEARS EARS:** A coalition of groups, including Patagonia, became the latest to file a lawsuit challenging the Trump administration's downsizing of Bears Ears National Monument on Monday. Link to the lawsuit filed in Washington federal court [here](#).

**ENDANGERMENT FINDING PUSHBACK STALLS:** Conservative state lawmakers and businesses that are members of the American Legislative Exchange Council on Wednesday shot down an effort to urge Pruitt to challenge a science-based endangerment finding that requires EPA action on greenhouse gas emissions. "In subcommittee, a substantive conversation occurred where arguments were made for and against the draft model policy," said Bill Meierling, executive vice president of external relations for the group. "After debate, it was clear that neither the public nor the private sector supported the draft as written."

**Meierling added that** "ALEC members prefer to advance policy only after a consensus opinion has been reached." Reports suggested later the resolution had been pulled in the aftermath of strong opposition, including from Exxon Mobil. Pruitt was expected to speak at the ALEC meeting on Friday but canceled due to a "scheduling conflict," Meierling said.

**NO COMMENT:** Murkowski forcefully urged Sen. Al Franken to step down amid sexual harassment allegations on Wednesday, but a spokeswoman declined to state whether Roy Moore would be welcome on her committee if he wins the Alabama special election next week. "We aren't commenting until after the special election and decisions about committee seats are made by conference," she said. Outgoing Alabama Sen. Luther Strange currently has a slot on the energy panel.

**THERE'S ALWAYS A TIE:** Congressional Democrats said Tuesday they have evidence then-national security adviser Michael Flynn sent assurances to former business partners that a U.S.-Russia energy partnership in the Middle East, which reportedly would have included more than two dozen nuclear plants in the region, was "good to go," POLITICO's Kyle Cheney reports. The revelations from a whistleblower came in a letter released Tuesday.

**MAIL CALL! LET'S BOOST EFFICIENCY CAPS!** A collection of energy efficiency organizations, led by the Alliance to Save Energy, sent a letter to congressional appropriators on Wednesday urging them to boost "budget cap allocations for federal energy efficiency programs." Failure to do so could result in steep cuts to EPA and DOE programs across the board, the groups warn. Link here.

**TAKE A GLANCE! LESSONS FROM THE RFS:** The American Enterprise Institute is out with a report looking at policymaking lessons from the RFS. It argues the biofuels mandate would be better as a rate standard than a volume standard, EPA should issue multiyear rather than annual rules and that uncertainty should be explicitly incorporated into future rulemakings, among other things.

**BAD SOLAR ACTORS:** Campaign for Accountability released the results of a years-long investigation concluding two companies — Vivint and SolarCity — received more complaints about their sales tactics than others in the solar industry. "Unfortunately, the deceptive sales tactics of solar companies, like Vivint and SolarCity, are making rooftop solar a risky bet," Daniel Stevens, the group's executive director, said in a statement. Read it here.

**DREAMS TURNED REALITY?** The Center for Western Priorities is out with a report finding the Trump administration has already granted 13 of the energy industry's 24 top priorities. Read it here.

**SUGGESTIONS GIVEN:** American Council for Capital Formation released a paper this morning with ten ideas for improving the regulatory process. It's the product of a November 2016 roundtable with Sens. Mike

Rounds, Angus King, James Lankford and others. [Link here](#).

**MOVER, SHAKER:** Michael Boucher has joined Crowell & Moring LLP environment and natural resources practice as a partner in Washington. He joins from Dentons US LLP, where he led that firm's chemical, pesticide, and consumer product regulation team.

## QUICK HITS

— California AG on Trump EPA: 'It's almost as if they believe they're above the law'. [The Hill](#).

— Wall Street's Fracking Frenzy Runs Dry as Profits Fail to Materialize. [Wall Street Journal](#).

— The IHS Markit electric resiliency study - much less than meets the eye. [Utility Dive](#).

— Patagonia sues over Trump's monuments order. [AP](#).

— Volkswagen Official Gets 7-Year Term in Diesel-Emissions Cheating. [New York Times](#).

— Pipeline explodes in southeastern New Mexico oil patch. [AP](#).

— Christie backs nuclear subsidies but won't sign 'wish list' bill from environmental groups. [POLITICO New Jersey](#).

## HAPPENING TODAY

9:00 a.m. — The Washington International Trade Association holds an event as part of its NAFTA series: "[Energy and the NAFTA](#)," Ronald Reagan Building and International Trade Center, 1300 Pennsylvania Ave. NW

10:00 a.m. — EPA Administrator Scott Pruitt [appears before](#) the House Energy and Commerce Environment Subcommittee, Rayburn 2123

10:00 a.m. — "[Transforming the Department of the Interior for the 21st Century](#)," House Natural Resources Oversight and Investigations Subcommittee, Longworth 1324

11:00 a.m. — The World Bank conference call briefing on the One Planet Summit, RSVP: [himtiaz@worldbankgroup.org](mailto:himtiaz@worldbankgroup.org)

12:00 p.m. — "[The Business Case for Tax Incentives Promoting Energy Efficiency](#)," Alliance to Save Energy, Rayburn 2203

2:00 p.m. — The House Natural Resources Federal Lands Subcommittee holds a [hearing](#) on various bills, Longworth 1324

2:00 p.m. — "[OPEC's World Oil Outlook 2017](#)," Center for Strategic and International Studies, 1616 Rhode Island Avenue, NW

## **THAT'S ALL FOR ME!**

*To view online:*

<https://www.politicopro.com/newsletters/morning-energy/2017/12/pruitt-heads-to-house-grilling-today-043377>

## **Stories from POLITICO Pro**

### **Biofuel backers claim victory in EPA battle [Back](#)**

By Eric Wolff | 10/20/2017 05:37 PM EDT

Biofuels backers were breathing a sigh of relief on Friday after EPA Administrator Scott Pruitt backed away from changes to the Renewable Fuels Standard, a reversal that left oil refiners frustrated.

Pruitt [acceded](#) to demands from Sen. [Joni Ernst](#) that he publicly promise not to pursue plans to change the biofuel program rules — changes that had been sought by oil refiners who have long complained about the costs of implementing the program that many see as a giveaway to the corn states.

Pruitt's letter to Ernst, Sen. [Chuck Grassley](#) and five other Midwestern Republican senators delivered what they'd asked for: A promise not to expand the group of companies required to comply with the program, to keep the biodiesel volume requirements at levels proposed in July, to not alter the policy that strips RFS credits from exported ethanol, and to explore allowing year-round sale of gasoline with 15 percent ethanol nationwide.

The quick reversal by Pruitt — at the [direction](#) of President Donald Trump — showed the influence of the biofuel lobby, corn growers and farm-state lawmakers to scuttle changes in the decade-old policy sought by the energy industry.

"This was a basket of bad ideas for biofuels," said Brooke Coleman, head of the industry lobby group Advanced Biofuels Business Council. "And there's no way that we could have any other response than to take this approach. [Pruitt] didn't kick tires on changing the RFS, he tried to take a baseball bat to the program, and the response was matching and in response to, from a magnitude perspective, to the initial foul."



The push by the senators, as well as Midwestern governors, "made a huge difference in this matter," said Michael McAdams, head of the Advanced Biofuels Association. "In addition, the collective unity of the entire biofuels industry, including those who distribute and market these fuels, made a significant impression on the importance and support for the RFS program."

But oil refiners who have said the high cost of biofuel credits, called Renewable Identification Numbers, was costing them hundreds of millions of dollars, lamented the power of the biofuels lobby and the corn-belt lawmakers.

"The [Pruitt] letter is a result of political pressure applied by Midwestern politicians," said one refining source. "Some Midwesterners cannot accept any premise that the RFS could be improved. As a result, their overreaction included everything from holds on confirmations to even more personal threats launched at the White House and EPA."

The unified and vociferous campaign by the biofuels industry in attacking the proposal that would have lowered biodiesel volume mandates surprised some in the refining industry, as well as the political staff in the EPA, sources tell POLITICO.

The Trump administration's embrace of the oil industry had raised refiners' hopes that it could have the best opportunity in years for significant RFS changes, and refining giant Valero Energy, along with a group of Pennsylvania companies, believed they would get relief from what they considered an onerous program.

But Grassley took to the Senate floor to blast Pruitt's biofuel plans as a "betrayal" of Trump's promises to protect ethanol, and he arranged a call with Trump and Pruitt that led to the meeting in his office with Pruitt and Ernst as well as [Deb Fischer](#) (Neb.), [John Thune](#) (S.D.), [Ben Sasse](#) (Neb.), [Pat Roberts](#) (Kan.) and [Mike Rounds](#) (S.D.). Following that meeting, Ernst demanded the public statement from Pruitt, and said she would withhold her support for Bill Wehrum, who was nominated to run the agency's air office, forcing a delay in the Environment and Public Works Committee's vote until next week.

Ernst spokeswoman Brook Hougesson told POLITICO, "Now that Sen. Ernst has received the assurances that the EPA will support the spirit and the letter of the RFS, she will support Mr. Wehrum."

Valero was disappointed its efforts to change the program had been shot down by the fierce political opposition.

"These senators have intervened in a regulatory process, and the proposals and concepts in the letter address RFS implementation problems to which these senators have offered no constructive solutions," Valero said in a statement. "The only unifying principle of their bullying opposition seems to be a desire to maintain the status quo at all costs and to protect windfall profits associated with unregulated trading of renewable identification numbers, or RINs. Their position advances neither the goals nor the efficient implementation of the RFS, and places U.S. manufacturing jobs at risk."

But in a statement, the White House made clear that Trump remained fully behind the biofuels program.

"President Donald J. Trump promised rural America that he would protect the Renewable Fuel Standard, and has never wavered from that promise," spokeswoman Kelly Love said in a statement. "The president has had constructive conversations with several key officials about the RFS over the past week, and he understands their concerns. The Trump administration will protect the RFS and ensure that our Nation's hardworking farmers continue to fuel America."

One energy executive said the biofuel backers were victorious because they were unified in their support for the RFS, while Republicans, the oil industry, and even the refiners were not on the same page.

"The ethanol boys won this round, no doubt, but at a pretty high cost," said Stephen Brown, vice president for federal government affairs for Andeavor. "The refining industry is anything but united on the RFS beyond a sunset as individual companies have each made investments and honed mitigation strategies to comply with the statute. As those investment decisions become increasingly operationally embedded, the industry will continue to splinter on the suite of RFS issues."

But some producers are still wary of Pruitt's pledge in his Thursday letter, and they note that he promised to release a final rule in which none of the mandatory volumes will be less than he proposed in July. For some producers, those volumes were already too low.

"There's some work to do here," Coleman said. "We won't know until the rule is done. And we recognize it's an ongoing rulemaking, it's not like they're going or republish the rule, they've said what they can say. The final rule really matters."

*To view online [click here](#).*

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## **'Largest ever' Interior Alaska oil lease sale draws little interest** [Back](#)

By Ben Lefebvre | 12/06/2017 08:26 PM EDT

The Interior Department received only seven bids from two companies today in what it had billed as the "[largest ever](#)" oil and gas lease sale in the National Petroleum Reserve in Alaska.

The bids on the 10.3 million unleased acres in the NPR-A generated just \$1.2 million in high bids, according to a Bureau of Land Management summary. The relatively low amount could undercut GOP arguments that opening up the nearby Arctic National Wildlife Refuge would generate \$1 billion in revenue.

A BLM Alaska [lease sale last year](#) generated \$18 million for 1.4 million acres offered.

Subsidiaries of ConocoPhillips and Anadarko were the only two companies that participated in the lease sale. The companies only bid for 80,000 acres, or less than 1 percent of the acreage offered. The highest bid amount was \$14.99 per acre.

Low oil prices and the relatively cheap and plentiful land available for hydraulic fracturing in the lower 48 has hurt oil company interest in the out-of-the-way fields of Alaska and the Gulf of Mexico. Interior Secretary Ryan Zinke and Sen. [Lisa Murkowski](#) (R-Alaska) have pushed to open more public land to drilling, however, saying that doing so is important to increase domestic energy production.

Zinke had previously said that today's "large and unprecedented sale in Alaska will help achieve our goal of American Energy Dominance."

An Interior spokesperson did not immediately respond to questions.

**WHAT'S NEXT:** Republicans hope to keep ANWR drilling provisions in their budget proposal.

*To view online [click here](#).*

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**Democrats worry Arctic National Wildlife Refuge being lost amid tax debate** [Back](#)

By Ben Lefebvre | 11/29/2017 05:17 AM EDT

Democrats' fight to keep oil and gas rigs out of the Arctic National Wildlife Refuge is losing ground as the Republican tax plan advances — and it's almost as if no one has noticed.

The prospect of drilling in the untouched Alaskan tundra is as close to reality as it's been in more than a decade, with none of the political drama that in past decades turned the refuge's fate into a top-tier rallying cry for liberals. Legislation to allow drilling in ANWR is quietly hitching a ride on the tax code overhaul that Senate Republicans hope to complete by the end of the week, overshadowed by larger debates on whether the bill is a giveaway to rich people and corporations at the expense of the poor and working class.

"It's really not gotten the attention that it should," Sen. Tammy Duckworth (D-Ill.), a member of the Energy and Natural Resources Committee, told POLITICO about the ANWR provision. "It's not just the budget discussion. It's about everything else that's going on, the flurry of all sorts of other news."

Angus King (I-Maine) said Republicans were trying to shield ANWR from opposition by adding it to the larger bill rather than bringing it to the floor separately under rules, which would require it to win support from 60 senators to overcome a filibuster.

"Well, clearly the strategy is to try to get it through as part of this tax reform effort and thereby avoid a direct up-or-down vote," King said in an interview earlier this month.

The nonstop news cycle and preponderance of other concerns with the tax bill are making it difficult to focus on an issue that normally fires up Democratic voters.

"I do think that putting ANWR in the budget reconciliation package hasn't drawn as much extremist opposition because it is completely overshadowed by tax reform, which is the center of the package," said Chris Guith, senior vice president of the U.S. Chamber of Commerce's Global Energy Institute. "But there are some who aren't exactly supportive of tax reform that support ANWR, and it's possible to see ANWR bring a vote or two to help pass tax reform."

Senate Energy Chair Lisa Murkowski (R-Alaska) easily advanced legislation through her committee directing the Interior Department to hold two lease sales for drilling in ANWR over the next decade. It would raise \$1 billion over that period, according to the Congressional Budget Office, making it eligible for inclusion in a budget reconciliation package that Democrats

cannot filibuster.

The reconciliation package also will include Republicans' tax plan and a repeal of the Obamacare individual mandate. While Murkowski helped scuttle the Obamacare repeal push earlier this year, she says she supports ending the mandate. Murkowski's office did not respond to a request for comment.

ANWR, a swath of tundra on the northern Alaska coast, is home to polar bears, porcupine caribou and a landscape that hasn't been touched in thousands of years. Congress designated the 19 million-acre area a wildlife refuge in 1980, but it set aside a 1.5-million-acre parcel known as "10-02" for possible drilling if future lawmakers approved such a plan. The U.S. Geological Survey estimated in 1998 that part of ANWR could hold up to 12 billion barrels of oil, and President Donald Trump and Alaska Republicans have called it essential for their plans for American "energy dominance."

Sen. Susan Collins (R-Maine), who is undecided on the tax bill for a several reasons, said she will support an amendment on the Senate floor to eliminate the ANWR language, but she said success there is not a prerequisite for her to vote for the underlying bill. "No it is not, but I would certainly try to get it out of the package," Collins told reporters Tuesday. Collins was the only Republican to cross the aisle on an unsuccessful amendment to keep pro-drilling language out of the underlying budget resolution, meaning it is unlikely that she would be able to strip the ANWR provision from a reconciliation bill.

But Democrats say that passing a deficit-increasing tax bill in order to open ANWR would actually harm energy-producing states. That's because the \$1.5 trillion shortfall from the GOP tax cuts would trigger required "pay-as-you-go" cuts to mandatory spending programs, according to a CBO analysis sent to House Minority Whip Steny Hoyer (D-Md.).

One of the programs on the pay-go chopping block would be the energy royalty revenue sharing program carried out through the Mineral Leasing Act. Cutting those payments would lose Alaska an estimated \$15 million in energy royalty payments next year alone, an amount important to a state already facing budget shortfalls.

"Communities throughout the West would be impacted by the loss of revenue, which is used to support a variety of needs including infrastructure, school funding, conservation, and recreation," Hoyer said in a statement to POLITICO. "This is yet another example of the consequences associated with forcing through legislation to add \$1.5 trillion to the deficit in order to give tax cuts to the wealthy."

Pay-go cuts also would hit popular programs like Medicare and student loans, but Congress can waive the law with 60 votes in the Senate. Democrats are not yet on board with that approach.

The current push to open ANWR, coming amid a swarm of competing headlines and buried in larger legislation, has come nearer to succeeding than the GOP's two previous attempts. President Bill Clinton vetoed a budget package in 1995 that included language opening ANWR, while a Democratic filibuster thwarted a second attempt in 2005.

Environmental groups have targeted public engagement at only a handful of congressional districts. The League of Conservation Voters spent \$550,000 on television ads in three Republican congressional districts. The LCV also paid for a bipartisan polling firm to probe public opinion on opening ANWR, but even that focused only on registered voters in eight congressional districts.

"The reason they're trying to sneak it into the tax package is they know they don't have the votes otherwise," said Tiernan Sittenfeld, the league's senior vice president of government affairs. "They know they can't pass it under regular order, that's why they're doing a sneak attack."

Even ANWR supporters are staying out of the spotlight.

"I haven't seen any full-out, front-page ads, nothing like that," Alaska Oil and Gas Association President Kara Moriarty said. "We're a little battle-weary, to be honest. Alaskans support opening up ANWR. There's been a few statements reiterating that."

*Nick Juliano contributed to this report.*

*To view online [click here](#).*

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**The Environmental Scandal in Scott Pruitt's Backyard** [Back](#)

By Malcolm Burnley | 12/06/2017 05:57 PM EDT

PICHER, Okla. — Tar Creek, Oklahoma, is breathtaking in a terrible way: At one time the world's deepest source of lead and zinc, the three-town region is now a cratered landscape so poisonous that no one, aside from 10 holdouts, can live there. Mountains of ashlike "chat," a toxic residue from lead-zinc milling, rise majestically among the remains of homes torn from their foundations. Abandoned pets forage around the ruins. A child's teddy

bear lies sprawled in a ghostly living room. A gorilla statue fronts an empty high school, atop a sign proclaiming "1A Football State Champs, 1984."

Tar Creek is also part of the environmental legacy of one of the state's—and nation's—leading politicians, Senator Jim Inhofe, and his longtime ally, Scott Pruitt, the former Oklahoma attorney general who is now head of President Donald Trump's Environmental Protection Agency. After the EPA struggled to clean up the area, in 2006, Inhofe endorsed a plan in which a trust overseen by local citizens would use federal dollars to purchase homes and businesses in the toxic region so residents could move elsewhere. Then, when the plan proved so problematic that it spawned more than a half-dozen civil lawsuits and an audit into possible criminal wrongdoing, Pruitt, as the state's attorney general, invoked an exception to state freedom-of-information laws to keep the audit from being an open public record.

Now, that decision is coming into new light as many Oklahomans clamor for the audit to be released, suggesting that its revelations will prove embarrassing to Inhofe, who played a key role in designing the buyout plan, and cast doubt on Pruitt's decision not to move forward with charges. Last week, a Washington, D.C., nonprofit called the Campaign for Accountability raised the stakes even further, filing suit in Oklahoma courts to force the release of the audit.

"If you take a look at Scott Pruitt's record, you see a general disregard for transparency," said Daniel Stevens, the group's executive director. "I don't think it's outside our bounds to say that Pruitt is trying to hide evidence of criminal wrongdoing."

Pruitt, in an interview, dismissed the idea that he was covering anything up, saying his former office's grand jury unit reviewed the audit and determined that no charges were warranted. He said he declined to make it public because he didn't want innocent people to be besmirched, even though the auditor rejected that reasoning and maintained it should be a public document. "It was important to protect the individuals' reputation that were in that investigation," Pruitt said.

Nonetheless, the mess at Tar Creek continues to follow Pruitt in other ways. As EPA administrator, he has assumed full responsibility for the still-faltering cleanup. And eyebrows were raised in Oklahoma this past January when, as Pruitt was awaiting confirmation for his EPA post, a White House spokesperson told Bloomberg News that the handling of Tar Creek was emblematic of Pruitt's philosophy: "national standards, neighborhood solutions."

Pruitt, in an interview, said he knew nothing about the Bloomberg article, saying only that he endorses the EPA's current work at Tar Creek and the

principle of combining federal resources and state and local leadership, rather than the buyout that occurred before his time as EPA administrator, while he was Oklahoma's attorney general.

"I think as far as a model going forward outside of the buyout, what we're trying to do is have a renewed focus on what I think are some of the most beneficial things we can do for citizens across the country, and that's to address some of these legacy sites that have substantial environmental challenges that allow them to once again enjoy the communities in their backyard," he said.

But many residents of the Tar Creek area, who gave up their homes in a buyout they considered both coercive and corrupt, continue to blame Pruitt for the fact that no one was prosecuted. They described a program so rife with good-old-boy corruption that certain individuals received outsize payoffs while some homeowners got so little they couldn't relocate anywhere nearby; meanwhile, they said, the people hired to demolish the homes received inflated contracts through a flawed process.

"We were lied to and deceived from Day One," said Gloria Workman, who said her son has learning disabilities from growing up in the polluted zone of Tar Creek, which had lead-poisoning levels in children that were three times higher than those registered in Flint, Michigan, during the peak of its recent water crisis. "Not only were we losing our homes, we were raped in the process."

"It was a nightmare," said Mary Thompson, who was still awaiting a resolution from the trust when an EF4 tornado ripped through Tar Creek in 2008, throwing bodies and trailers through the sky, killing six people and destroying more than 100 homes. Without homes, many people took lower-than-expected buyout offers—however insufficient they were perceived to be—because they had nothing left, she said.

"They preyed on us after the tornado," said Thompson, whose home was leveled.

Nonetheless, Inhofe, in a 2015 news release touting the completion of the buyout, cast it as a success because it did not lead to an expanded federal role.

"This is an example of a government program created for a specific purpose and then dissolves after the job is completed," Inhofe proclaimed.

Now, he continues to defend it but sounds less celebratory. "The first thing to know about the Superfund site at Tar Creek is that it's what's called a 'mega-site' and that it is an exceptional circumstance in every way. You can't



compare it to any other Superfund site in the country," Inhofe said in a statement to POLITICO. "The voluntary relocation assistance to get people out of harm's way was right for the situation at Tar Creek, but may not be for every other Superfund—that is why state and local partnership is critical."

To many former residents, who still want the investigative report by the state auditor to see the light of day, even these modest and conditional endorsements feel like slaps in the face.

"People hate the government out here, and it's because of things like this," said Aletha Redden, a lifelong resident of the area who has a Donald Trump bumper sticker on her pickup truck. "I want Scott Pruitt to know: This is not the model."

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**A flat expanse** of dusty roads and scrubby vegetation situated in the heart of Tornado Alley, the Tar Creek area was once the mainstay of the Quapaw Tribe, which was forcibly relocated there by the U.S. government in 1834. At the time, the territory had little economic value, but a half-century later, prospectors discovered enormously rich ore. By the turn of the 20th century, companies broke ground with drill rigs on Quapaw land.

Many of those firms made fortunes, luring white settlers into an uneasy state of coexistence with the Quapaw. Tar Creek proved to be the deepest reservoir of lead-zinc ore in the world, producing a whopping \$1 billion in minerals between 1908 and 1950, according to the Oklahoma Historical Society. Picher, the largest of the mining towns, swelled to a population of 14,000.

Almost every aspect of life in Tar Creek traced back to the mines. The high school took on the mascot of a gorilla, a reference to workers in the mines who broke up boulders with hammers. Children played in sandboxes filled with chat, the chalky mining debris. Teenagers earned the nickname "chat rats" for climbing up the pillowy piles of toxic rubble throughout town and rolling tires down their slopes.

By the end of World War II, however, the boom was over. Most of the mining companies decamped for richer pastures. For the families left behind—including that of Yankees slugger Mickey Mantle, who grew up in the Tar Creek area in the 1940s—it was a slowly unfolding disaster. The extent of Tar Creek's collapse was reflected in the words of John F. Kennedy, who barnstormed into Joplin, Missouri—25 miles away from Tar Creek—in the closing days of the 1960 presidential campaign.

"My own judgment is I know no tougher occupation in the world that [sic] to

be a miner, lead, zinc, coal. I am always glad to meet them because I think they live with peril," Kennedy declared. "They have as tough a life as there is. Every other one whose hand you shake has a finger off, a foot crushed, the chances of in 20 years their having a bad accident are more than any of the rest of us. And yet in this community and in West Virginia and Idaho and in other sections of the United States, there has been no group that has been harder hit, no group that has been more forgotten."

Indeed, after the last prospector looking for ore packed up and left in the mid-1970s, people looked to casinos and farming to make a living. But the residue from decades of mining was poisoning them. In 1979, acid mine water leached into the ground, threatening the area's aquifers, killing fish and turning creeks a rusty orange color. When the federal Superfund program—designed to clean up the nation's most polluted and contaminated land—kicked off in the early 1980s, Tar Creek was named to the inaugural National Priorities List. It's still on the list.

The EPA has spent more than \$176 million over the past 25 years on cleanup work inside the 42-square-mile-area, on projects from plugging mine shafts to removing contaminated surface soil in people's yards. Though the amount of money sounds large, it hasn't been nearly enough to remove the toxic dangers, and many residents insist the cleanup was mishandled from the get-go. In some cases, the removal of soil resulted in sloping yards, which, during bouts of rain, caused flooding and mold inside houses. In 2000, the FBI raided the offices of the EPA's prime contractor at Tar Creek, Morrison-Knudsen. The company later settled a lawsuit brought by the federal government alleging false representation of billing and progress reports for a sum of \$1 million. In the settlement, the company made no admission of wrongdoing.

Meanwhile, the environmental hazards began to multiply: Shortly after the start of that Superfund spending spree, in 1993, researchers at the University of Oklahoma found that 34 percent of Quapaw children were living with lead concentrations above the federal limit. Further studies found alarming rates of lead and arsenic in both the tribal and non-tribal populations. In 1997, a university-lead study estimated that 21 percent of children near Tar Creek had elevated blood-lead levels (defined as 10 micrograms per liter at the time), which is three times higher than the highest measurements found in Flint, Michigan, in 2015. The learning disabilities and memory loss that had plagued the schools and curtailed lifespans for decades suddenly had a culprit.

As the dangers became ever-more visible and the cleanup lagged, residents rallied around the idea that the government should quickly buy them out of their homes, rather than wait for the hazardous materials to be removed. They thought they might have an ally in the state's senior senator, Inhofe, a

Republican who was chair of the Senate Environment and Public Works Committee. But Inhofe, who has a skepticism about environmental science that exceeds that of any of his colleagues, refused to consider the idea. "There will never be a buyout. I promise you that," Inhofe told the *Tulsa World* in late 2003.

Inhofe's refusal to take action of any sort was often criticized in local press, due in part to the relentless attacks of a young Democratic congressman named Brad Carson. "If you'd asked people in Oklahoma politics at the time, they'd say we were mortal enemies," said Carson, referring to himself and Inhofe. "I was elected [to Congress] in 2000, and my goal was to untie the Gordian knot. The area is desperately poor. If it was in suburban Tulsa or Oklahoma City, there would've been outrage."

In 2004, Governor Brad Henry signed a bill authorizing the use of state dollars for the relocation of roughly 100 families with children under the age of 6. Under pressure to take further action, the senior senator began to come around. At first, he secured \$2 million in federal funding to pay for a study that discovered that 286 homes within Tar Creek were at risk of being swallowed up from cave-ins of underground mine shafts. This provided an opportunity for Inhofe to reverse himself on the buyout, supporting it on the grounds of protecting residents from cave-ins.

"The stability with the underground mine workings was worse than anyone had previously been thought," recalls Ed Keheley, a retired nuclear engineer and native of Picher who co-authored the study's final report. In the spring of 2006, Inhofe announced a joint federal and state buyout program that would begin with \$20 million in funding, with the express purpose of relocating any and all people who'd voluntarily leave Tar Creek.

Having once opposed the buyout to his political detriment, Inhofe now used his clout to keep on funding it, but with the idea that decision-making would be concentrated among local leaders, not the federal government. With Inhofe's support, the Oklahoma legislature created a nine-member panel called the Lead Impacted Communities Relocation Assistance Trust to assume control over the project. The members were all volunteers, helping their community, but some had a vested interest in the buyout: They included, for example, a local banker whose institution would later give loans to people to help them relocate; local property owners whose own homes—and those of relatives—would be subject to the buyout; town officials; and a leader of the Quapaw Tribe.

Inhofe cast himself in the role of the community's protector, putting out a 2008 campaign ad that declared: "Tar Creek: poisoned earth, the threat of schools and churches sinking into abandoned mines. Everyone thought it would be too much to tackle, except for one stubborn man named Inhofe."

But over a five-year period, the buyout would become the subject of a host of civil lawsuits and the subject of a state investigation.

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**The local members of the trust**—few, if any, of them schooled in environmental management—had two major tasks: figuring out how much each property owner should be paid for their home or business, and then choosing a company to demolish the properties. Both tasks would become the subject of complaints about cronyism, with residents saying the trust members rewarded their friends and politically connected individuals.

It didn't help that the trust often met behind closed doors, and that the vice chairman of the trust resigned within a year. The trust's sole employee, operations manager Sonya Harris, also quit, declaring in her resignation letter that she could no longer continue "with a clear conscience without recommending a change; I will not place myself in a position to be perceived as approving of the operations to this point."

The first case to raise eyebrows involved the mayor of Picher, Ernest "Sam" Freeman. In 2005, when the buyout was first being discussed as a probability, he acquired three large parcels of former mining land covered with chat from the Picher Development Authority, which he chaired. Freeman bought them at 3 cents per square foot, for a total price of \$2,088.50, according to the findings of a state audit at the time. It was, the audit declared, a violation of state laws forbidding members of public boards from entering into contracts with those boards. Ottawa County District Attorney Eddie Wyant called on Freeman to return the properties to the development authority in lieu of charges.

"If Sam wanted to buy that land, he needed to get off the board and purchase it legally," Wyant told a local newspaper at the time. "I am not one to put anyone in jail over this, but he needs to clear it up." Wyant, when reached by phone, declined to comment further.

Freeman returned the land, but, in a move that enraged some neighbors, profited off it anyway. The trust had decided that, because so much former mining land had been taken over by state authorities and tribal members, those who owned mobile homes or other shelters on land they didn't own would be eligible for buyouts. Freeman made a claim based on the fact that he had been maintaining and renting out homes on the chat-infested property for years before he tried to buy it.

Trust documents show that Freeman received at least \$274,000 from the buyout, more than half of which came from the same lots he had been

ordered to return by law enforcement. (Freeman told POLITICO a payout of more than a quarter-million sounded accurate enough, though he declined to provide an exact figure.) Neighbors suspected cronyism. Freeman, who is no longer mayor, denied receiving any preferential treatment. "These people thought I bought the lots to make a killing in the buyout," he said. "I don't think I got more than anyone else would have."

The size of the mayor's profit diminished public confidence in the trust, just as it was engaged in the most delicate part of its task, figuring out how much to pay each individual property owner. Property owners were supposed to receive fair market prices as if pollution hadn't existed in Tar Creek, based on the sales of similar properties elsewhere in northeast Oklahoma. But those calculations appeared to lack uniformity.

The average payout for the 695 properties involved in the buyout was just over \$65,000, but the disparity in prices between two properties could be dramatic. Residents complained about lowball offers on some decent properties and overly high payouts for others that were rundown or minuscule in size.

"I got \$3,000 for my gun shop. It took me \$16,000 to build it," said former Tar Creek resident John Frazier.

Wally Long said he and his wife got \$35,000 for their Dairy Queen, while another Dairy Queen right up the road got substantially more.

"We were told [by the trust] that's all the money there is," Long said. "It bothered my wife a lot. She put 23 years of her life into this business."

Meanwhile, a trust member named Janell Trimble got \$185,000 for her house, and her brother collected \$115,000 for his fiberboard house.

"I may be a member of the [relocation trust's committee], but I honor my duties and I recuse myself when family members are involved," Trimble told the *Tulsa World* in 2008. "[B]ut as a buyout participant I also expect to be treated just like the next person."

Nonetheless, both Trimble and her brother received more than 35 percent above the average price per square foot. On the other end of the spectrum, an elderly woman named Betty Betts received an offer of \$12,000 for her home; when she protested, the appraised value was raised to \$20,000. Many people got so little for their homes that they had to turn around and take out loans in order to resettle elsewhere in Oklahoma. In the end, the trust finished up with millions in unspent funds.

Residents concentrated their anger on the company that the trust hired to

conduct the appraisals, Cinnabar, which had previously made headlines for its management of a noise-insulation program at the Tulsa Airport, which involved multiple lawsuits. In response, the trust engaged an "appraisal reviewer" to go back over Cinnabar's work. But the reviewer, a company named Van Tuyl Associates, quickly came under criticism as well. "They [often] didn't get out of their car. They never entered these homes," said Keheley, who was a member of the trust at the time. (Van Tuyl Associates is now defunct; its former president could not be reached for comment.)

When the unrest over the buyout made the local newspapers, the trust's leadership pointed to a 95 percent acceptance rate for buyout offers. But some residents accused trustees of pressuring them with "take it or leave it" offers, according to a class-action lawsuit brought against the trustees, Cinnabar and Van Tuyl by more than 250 residents affected by the buyout. Plaintiffs also complained that they were denied the right to view the appraisal paperwork. There was even a fake camera—and posters notifying residents they were being videotaped—in the room where buyout offers were made, an apparent attempt to compel residents to take the offers, according to documents in the suit.

The suit, filed in Oklahoma district court, accused the defendants of cheating average property owners and rewarding friends and associates of the trustees. Depositions revealed an explanation for some of the inconsistencies in appraisals: For certain properties, Cinnabar expanded the boundaries of where it could find "comparables"—properties in adjacent counties whose sale prices were used to calculate the appraisals—with the approval of a state employee named J.D. Strong, who, according to the lawsuit, played a significant role in overseeing the trust.

One of the properties appraised in this fashion was that of Trimble, whose \$185,000 payout, according to appraisal documents, had infuriated other residents.

When, in 2008, residents outlined their frustrations in a scathing six-page letter to Inhofe, Henry and other elected officials, Strong dictated the governor's reply, which was co-signed by Inhofe, lawyers for the plaintiffs asserted in his deposition. "I may have drafted this," Strong responded, when presented with a copy of the letter saved on Strong's computer.

In an interview, Strong defended the trust and its system of appraisals: "We knew going in that we weren't going to be the most popular. We went in with the idea that we were going to be fair. I can honestly say that, looking back, we were fair and unbiased and frugal."

During the six years the lawsuit was making its way through the state court system, both Cinnabar and Van Tuyl Associates declared bankruptcy.

Eventually, the plaintiffs and the trust settled the case in 2015 for \$1.3 million, which, after deducting attorney fees, meant that each resident ended up receiving an additional \$2,600.

But that didn't satisfy many property owners.

"The people of Tar Creek were treated like second-class citizens, based on where they were born and lived," concluded Wally Kennedy, a columnist at the *Joplin Globe* who reported on northeast Oklahoma, including Tar Creek, for more than 30 years. "For someone to portray the buyout of the people of Tar Creek as a successful program is lying through their teeth."

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**Once the trust** obtained the properties on the toxic land, the next problem was how to destroy the empty structures that were on them.

Inhofe made sure there was enough money for the job. Even as he joined fellow Republicans in condemning President Barack Obama's 2009 stimulus bill as an unwarranted giveaway, the senior senator helped secure an additional \$15.7 million in the bill to help the trust finish its work.

The trust hired a local businessman named Jack Dalrymple to oversee bids for the demolition contract. He was best known for organizing an annual deer hunt for paralyzed veterans, an endeavor that earned him a lifetime achievement award from a local Chamber of Commerce. His payment was to be 10 percent of the value of the winning bid. He formulated a scoring system to evaluate bids and, in March 2010, the trust awarded the contract to Stone's Backhoe, the most expensive of all four bids. At \$2.1 million, it was nearly four times the cost of the lowest bidder.

Just 14 days after Stone's was declared the winner, it asked that the contract be reassigned to two subcontractors, CWF Enterprises, a carpet-cleaning business, and Vision Construction and Management. Former residents contend that there were longstanding ties between Dalrymple and the subcontractors. Whether or not they were friends before, they soon became hunting buddies. In October 2012, local coverage of Dalrymple's annual event for paralyzed veterans pictured the heads of the two firms setting up the flag for the hunt.

One of the losing contractors filed suit against the trust and individual trustees in Oklahoma district court, accusing them of violating the state's open-meeting act and competitive bidding act. The district county judge sided with the plaintiff, reopening the bidding process.

But rather than blame Dalrymple, the trust gave him a new contract. It

included a flat rate for his services, \$305,472—about \$100,000 more than he would have received had the contract remained with Stone's.

In January 2011, a \$1.7 million demolition contract was awarded to none other than CWF Enterprises, the carpet-cleaning business, which was also the least expensive of the three bids received. A month later, however, the estimated cost of the contract ballooned to \$3,050,786—almost exactly 10 times what Dalrymple received in his new contract.

While many residents cried foul, Andy Lester, the trust's attorney, attributed the increase to the fact that the EPA-controlled repository for dumping debris had just closed down. Trekking the remains of the houses and businesses to a dumping ground further away caused the massive change order, and a near doubling of the contract.

Lester also defends the choice of Dalrymple to handle the bids, contending that he was an engineer with some prior experience with public contracts and that the trust members couldn't handle the process on their own.

"It is important to remember that the trust board consisted of nine members—including, for example, a physician, a school teacher, and a mushroom farmer. They were volunteers, not professionals at this kind of work," Lester said. "Jack Dalrymple is a professional engineer with significant experience. And candidly, there are very few professional engineers in northeast Oklahoma."

Nonetheless, lawyers out of the Tulsa region filed a lawsuit in 2012 under the False Claims Act that accused the trust members, Dalrymple and the heads of the companies hired to do demolition work of being part of a "good old boy network" and defrauding federal taxpayers.

Attorneys for the plaintiffs, Zach and Brad Barron, say the lawsuit fizzled when the Department of Justice took the stance that "the government didn't sustain damages" from the charges laid out in the complaint. In a false claims lawsuit, where the plaintiffs are effectively trying to recoup money that's owed to the government, a lack of willingness from the government is effectively a death knell, the Barrons said. The lawsuit was eventually dismissed.

In an interview, Dalrymple insisted the allegations of cronyism were entirely unfounded.

"There were a lot of emotions and feelings during that period," he said. "When you ask someone to leave their home, it's a tough thing. But ... there was nothing there."



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**Still, the drumbeat** of complaints continued, eventually reaching the ear of Jerry Morris, the state director for Oklahoma's then-junior senator, Republican Tom Coburn.

It was no secret that Coburn, a physician who cast himself as a political outsider, didn't look upon Inhofe with any sort of fond feelings of mentorship.

"I think they were often seen as having very different approaches to politics," said David Blatt of the Oklahoma Policy Institute. "Inhofe is seen as a classic, pork-barrel politician who'd bring federal dollars to Oklahoma, the more the merrier." Whereas Coburn, Blatt says, "hated that kind of politics and did as little of it as he possibly could. In fact, he spoke disdainfully and caustically about it the whole time he was in the Senate."

Coburn was not shy about stepping on his fellow Republican's toes. Morris forwarded a memo with a lengthy list of allegations related to the awarding of contracts in the Tar Creek buyout, especially regarding the demolition work, to then-Attorney General Pruitt. In April 2011, Pruitt asked the state auditor and inspector, Gary Jones, to look into the memoranda sent from Coburn's office.

"I have determined that these concerns are serious in nature such that an investigation of the matter is warranted," Pruitt wrote to Jones. A 17-point list of allegations for Jones to investigate followed, including whether there was collusion between Dalrymple and the contractors hired to do the demolition work.

After spending almost two years on the investigation, Jones turned over the results of the audit to the attorney general's office in January 2014, apparently believing it had uncovered important information.

For a year and a half, the attorney general sat on the findings. Then, in May 2015, Pruitt announced that he wouldn't press charges. In addition, he vowed to keep the audit secret by refusing to release it.

Jones fired back at the attorney general's office days later, penning a letter to Pruitt that described his rationale for withholding the audit as "baffling."

"To our knowledge, the individuals named in the report are members of a public trust or contractor whose services were retained as part of this substantive project," Jones wrote. Further, he contended, "our office has received no inquiries from you or your staff regarding the content of the audit report."

Pruitt justified the secrecy by comparing the investigation results to the findings of a grand jury. "Specifically, our office is concerned about publication of unsubstantiated criminal allegations against private citizens," Pruitt wrote in a 2015 statement.

In an interview with POLITICO, Pruitt appeared to go one step further, suggesting the audit had in fact been vetted by a grand jury.

"You're addressing issues that it's been some months since I've looked into," Pruitt said. "I know the decision I made at that time was based upon the investigative audit. The investigative audit didn't yield anything to the grand jury, and, as such, it was important to protect the individuals' reputation that were in that investigation."

But when asked to clarify, a Pruitt staff member indicated that he was using the term "grand jury" as shorthand for the Multi-County Grand Jury Unit, a division of the AG's office, headed at the time by a Pruitt appointee, which decides whether to take cases to a grand jury for indictment.

It's not the same as a grand jury finding. Nonetheless, the attorney general's office, now overseen by Mike Hunter, Pruitt's former top deputy, has denied all open records requests for the audit, declaring it to be "under the supervision of the Multi-County Grand Jury Unit." A spokeswoman for the Oklahoma attorney general's office said that if there was in fact a grand jury, the office couldn't confirm or deny that.

These rationales befuddle open records experts.

"I don't think there's anything in the law that would prohibit it [the investigation] from being released," said Joey Senat of Oklahoma State University, the president of FOIA Oklahoma. "The law doesn't require that the audit be kept secret. What would its release be harming? They've closed the investigation and decided not to prosecute."

Jones, who is now running for governor, reiterated his call for the attorney general's office to release the audit, saying in a statement that "regarding any investigation of this kind, we always err on the side of transparency and the people of Oklahoma have a right to know."

Concluded Senat: "When you have the state auditor [Gary Jones] saying these are not unsubstantiated claims and this is a serious problem, good government would call for letting the public know what happened and showing the public the audit. Transparency helps alleviate a lot of concerns about favoritism, corruption, and incompetency—if those are indeed unfounded."

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**Tar Creek today** looks like an abandoned landfill. Illegal dumping has added a fresh layer of grime to the already ruined patch of earth. Giant craters from collapsed mine shafts, some as large as 200 feet in diameter, are filled with Bud Light cans, shotgun shells and the tangled remains of kids' playground equipment. "We call this urban renewal, Picher style," quipped former resident Gloria Workman.

Abandoned houses that were not part of the buyout are now coated with graffiti. The charred remains of the former mining museum in Picher, which burned down at the hands of arsonists, stands as a teetering monument to Tar Creek's former way of life. And the sense of danger and destruction extends beyond the former buyout area: On rainy days, local fields used for football practice bleed a toxic shade of orange.

The EPA is continuing its now 33-year-old cleanup effort, and it's thrust the Quapaws back into stewardship of the land. Although the tribe leased away or sold off significant chunks of Tar Creek to mining companies throughout the 20th century, the Quapaws have at least temporarily regained control of all of it. Since 2012, the tribe—a sovereign nation with roughly 5,500 members—has been the primary EPA contractor for environmental remediation at Tar Creek. It's the first time any tribe has been a prime contractor on a Superfund site, assigning all the contracts and overseeing all the work.

"It's a great story," said Craig Kreman, assistant environmental director of the Quapaw tribe. "We're employing tribal members a lot of the time and members of the community. So that income [from the EPA contract] stays here in this community and is being spent in this community. We're not hiring a contractor out of Georgia."

Every day, a steady stream of trucks haul away more than 2,000 tons of soil saturated with cadmium, lead and other metals at the site. Each patch of earth requires years of passive soil treatments before it tests clean enough to plant row crops like winter wheat. Half-acre by half-acre, the hope is that Tar Creek can be put into productive agricultural use decades from now.

In August, after touring the abandoned area and surrounding towns, Pruitt's senior adviser Albert "Kell" Kelly, praised the EPA's efforts surrounding Tar Creek in sweeping terms: "People from all across the country count on the Superfund program to address pollution and revitalize their communities. Tar Creek cleanup is an excellent example of how the program should work. State and local partners, tribal partners, and EPA—all working together year after year to address historical pollution at this mega-site. It's cooperative

federalism working at its best."

But many local observers, including Ed Keheley, aren't nearly as positive.

"Usually, the EPA comes in, they do their dirty work, sprinkle some wheat seed, take a picture to show Congress, and next year it looks like this," he said, pointing to a barren pasture. "Clearly, the EPA hasn't had the best interests of the people at heart. So I get personally offended when people like Scott Pruitt suggest otherwise."

For his part, Pruitt announced a fresh grant of \$5 million to the Quapaw-led project last May, and he is quick to distance this experiment in local control from the one that preceded it.

"We [the EPA] can't impact the buyout. We didn't authorize the buyout. I didn't manage the buyout and its unique situation," Pruitt said. "I think what's most tangible is what we can do together with the tribe to advance and continue remediation."

When asked to respond to the undying complaints of residents in rural Ottawa County, where Tar Creek is located—a county in which Trump received 71 percent of the vote in November 2016—Pruitt changed the subject. "I had no experience with Tar Creek, to be honest with you," he said.

That's true, except it was his office's decision, when he was attorney general, not to prosecute the people accused of mishandling the trust money, Keheley and other local residents point out.

But what galls them more than the failure to prosecute is the failure to release the results of a government investigation—an audit that they believe will raise questions about Pruitt's unwillingness to press charges and cast a negative light on a project near and dear to Inhofe's heart.

Pruitt's connections to Inhofe are extensive. One of Pruitt's first hires as EPA chief was Ryan Jackson, a longtime Inhofe staffer and the senator's point person on Tar Creek, who is now Pruitt's chief of staff. He also brought on four other former aides to Inhofe, the Senate's leading proponent of the idea that man-made pollution contributing to climate change is a conspiracy and a hoax. Three of them are Pruitt's senior advisers on air, climate and legal issues.

"It gives me a level of comfort to know that we have a bureaucracy that's actually going to be serving instead of ruling," Inhofe told the *Washington Post*, applauding Pruitt for hiring his staff.

Numerous veteran Oklahoma political watchers, some of whom spoke to POLITICO on condition of anonymity, suggest that there may be an ulterior motive in Pruitt's embrace of Inhofe: It's widely believed that Pruitt, who is 49, wants to run for Inhofe's seat when the senator retires. Many observers think Inhofe is unlikely to seek reelection in 2020, when he'll be 85. And some have noted that Pruitt's decision not to advance the case against the buyout trust spared Inhofe the embarrassment of seeing the program he personally tailored and promoted go down in scandal.

"Pruitt is a rising Republican political star previously in Oklahoma and now nationally," said one journalist who closely follows the Oklahoma political scene. "There have been rumblings that Pruitt might have his eye on higher office. ... Pruitt would do everything to keep Inhofe close, assuming he wants to run for that seat."

Wally Kennedy, the *Joplin Globe* columnist who has covered the Tar Creek trust more closely than any other journalist, said, "My sense of the way that unfolded was that Pruitt decided he was not going to do any kind of prosecution, and then Inhofe writes a letter saying what an outstanding job the trust did. My reaction was 'Huh?'"

"The fact that the audit was not publicly disclosed tells me that somebody is hiding something," he added. "This is Oklahoma taxpayers' money being committed to ratting out what appears to be some apparent corruption. But everybody looks the other way. That's why I'm talking to you. Because if you can shed a light on this, maybe somebody will say 'We need to take a second look at this.'"

Pruitt, however, insists his decisions were strictly based on the law, and an Inhofe staffer flatly dismissed the possibility of Inhofe influencing Pruitt's decision.

"Senator Inhofe would have had no involvement in the case or in any of then-Attorney General Pruitt's decisions," the staffer said.

Pruitt was similarly bemused by the idea that there would have been any sort of political calculation behind his decision to shield the audit. The only politics in this case, he suggested, was on the part of those who want to embarrass him and Inhofe.

"You would think that this wouldn't be a political issue, that people wouldn't put on the red and blue jerseys," Pruitt said in frustration.

Others argue that transparency in this case is not a political issue as much as a legal right.

"The open records act seems pretty clear this audit should be released," said Stevens, executive director of Campaign for Accountability. "You have to ask why he's not releasing it? Pruitt should have to be held accountable for this."

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### **Pruitt named chair of Gulf Coast Ecosystem Restoration Council [Back](#)**

By Anthony Adragna | 12/06/2017 07:28 PM EDT

President Donald Trump announced today that EPA Administrator Scott Pruitt would chair the Gulf Coast Ecosystem Restoration Council.

The group, formed in 2012 after the Deepwater Horizon oil spill, helps restore the ecosystems and economies of the Gulf Coast. Pruitt was unanimously selected by Alabama, Florida, Louisiana, Mississippi and Texas, the five states on the council.

"I am honored to be selected by the states and look forward to working with the governors to continue the excellent work of this Council to further the critical mission of restoring the Gulf of Mexico ecosystem," he said in a statement.

Pruitt named Kenneth Wagner, a senior adviser, to be his designee on the council. He takes over the chairmanship from the Secretary of Agriculture.

**WHAT'S NEXT:** Pruitt begins his chairmanship of the group.

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### **Powelson says McIntyre to be sworn in Thursday [Back](#)**

By Eric Wolff | 12/06/2017 03:33 PM EDT

New FERC Chairman Kevin McIntyre will be sworn in on Thursday, FERC Commissioner Rob Powelson told an audience of electric power officials in Philadelphia today.

"At a general session this afternoon in Philadelphia, one of the key speakers

was FERC Commissioner Rob Powelson, and during his speech this afternoon he confirmed that Kevin McIntyre will be sworn in tomorrow," PJM Interconnection spokeswoman Susan Buehler said.

President Donald Trump nominated McIntyre, a partner at the law firm of Jones Day, to be commissioner and designated him to be chair months ago. The Senate confirmed him in early November, and he received his signed commission just before Thanksgiving.

His swearing in will put to rest rumors that either the Trump administration or McIntyre himself were delaying his start date to give current Chairman Neil Chatterjee enough service time to make staffing changes. Chatterjee will miss that deadline by a day.

It also puts McIntyre in charge of the process initiated by Energy Secretary Rick Perry that is aimed at supporting coal-fired and nuclear power plants in an effort to protect the power grid's resilience. Action on that proposal is expected by Monday.

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### **EPA to hold more hearings on Clean Power Plan withdrawal [Back](#)**

By Emily Holden | 12/06/2017 03:28 PM EDT

EPA will hold three additional public hearings on a proposal to withdraw the Clean Power Plan, in San Francisco; Gillette, Wyo.; and Kansas City, Mo., the agency announced today.

EPA Administrator Scott Pruitt in a press release said the change was "due to the overwhelming response" to two days of hearings in West Virginia last week. Many environmental advocates criticized EPA for initially scheduling hearings only in coal country.

The agency will announce the dates and locations of the meetings in the coming weeks, and speakers must [register](#).

The Obama administration, by comparison, held public hearings on the proposed climate standards in 2015 in Pittsburgh, Denver, Atlanta and Washington, D.C.

**WHAT'S NEXT:** Comments on the draft withdrawal are due Jan. 16.

*To view online [click here](#).*

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## **Republicans divided over taking up tax extenders this year** [Back](#)

By Brian Faler | 12/06/2017 05:40 PM EDT

Republican leaders are divided over whether to take up a second tax-cut bill this year.

Senate Republicans want to move legislation reviving a rump group of tax "extenders," separate from their more sweeping plan to rewrite the code.

But the House's top tax writer isn't so sure.

"I don't like the extenders," said House Ways and Means Chairman [Kevin Brady](#) (R-Texas). "It's horrible policy and process."

"No decision yet," he added, saying lawmakers need to talk it over.

His comments came after Sen. [John Thune](#), the chamber's No. 3 Republican, said today lawmakers will revive biodiesel, geothermal and other energy-related breaks along with other "cats and dogs," including a tax credit to maintain short-line railroads.

Thirty-four temporary tax provisions expired at the end of last year, including 16 energy ones, and lawmakers are now facing demands to revive them. Some want to attach the provisions to funding legislation needed to keep the government open [H.J. Res. 123 \(115\)](#).

Many Republicans had sworn off the "extender" ritual after a 2015 tax agreement made many of the breaks permanent while giving others what lawmakers said was one final extension — which, for some, ended last year.

Putting together an extender bill, even as lawmakers negotiate a final compromise on their tax-overhaul plans, is likely to test tax writers' bandwidth.

*To view online [click here](#).*

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## **Solar pitches target Trump at USTR hearing** [Back](#)



By Eric Wolff | 12/06/2017 03:46 PM EDT

Supporters of tough trade tariffs on solar energy equipment and their opponents squared off again at a hearing of the U.S. Trade Representative today, with both sides coloring their arguments in language aimed at swaying the White House.

The two companies seeking tariffs on foreign shipments of solar panels and cells, Suniva and SolarWorld Americas, pressed the case that barriers were vital for protecting U.S. manufacturing of the clean energy technology because of its importance for national security — issues at the heart of President Donald Trump's "America First" agenda.

"A strong remedy is required to persevere the U.S. industry, provide breathing space for this American-invented manufacturing technology," said Matt Card, vice president of operations for bankrupt Suniva. "Anything less would ... result in the loss of this industry. That would have a dramatic negative impact on national security."

Witnesses at the hearing opposed to instituting tariffs raised the same issues, but contended that trade barriers would threaten other businesses, and that the benefits of tariffs would help only a narrow segment of the solar industry.

"Factories in South Carolina and across the nation would suffer from solar tariffs," South Carolina Gov. Henry McMaster told the panel. "While there is only one operating factory in the U.S. petitioning for these tariffs, there are over 50 American-owned factories employing thousands of people that would be the ones harmed, including a steel mill in South Carolina that provides American-made steel for many of the U.S. factories that produce metal equipment for the utility scale solar farms."

The panel, which included representatives from the departments of Energy, Treasury, State, Labor and Commerce, and from the Council of Economic Advisers, appeared unmoved by the national security arguments, and instead peppered parties with detailed questions about the potential tariffs' impacts on U.S. solar power demand. Panel members also questioned whether a few years of trade protections would be enough time for Suniva and SolarWorld to hike their production enough to catch up to overseas competition.

They pressed witnesses from both side on how tariffs would effect the domestic solar market, whether a modest tariff would be effective, and their opinions on the recommendations the U.S. International Trade Commission sent the White House last month. ITC members recommended a range of options, from sliding scale of tariffs to a cap on total shipments.

The Trade Representative will send the White House a recommendation, and Trump has until Jan. 26 to make a decision.

To view online [click here](#).

[Back](#)

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**To:** Chancellor, Erin[chancellor.erin@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]  
**From:** Bennett, Tate  
**Sent:** Fri 6/22/2018 3:23:48 PM  
**Subject:** FW: Touching base regarding Monday

Don't kill me! Do you have any talkers on tar creek? Nancy, do you have anything on PFOS in general? This is for Monday. Last min trip!

**From:** Fenton Rood [mailto:Fenton.Rood@deq.ok.gov]  
**Sent:** Friday, June 22, 2018 11:22 AM  
**To:** Bennett, Tate <Bennett.Tate@epa.gov>  
**Cc:** Jackson, Ryan <jackson.ryan@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>; Skylar McElhaney <Skylar.McElhaney@deq.ok.gov>  
**Subject:** RE: Touching base regarding Monday

Proposed attendees:

Scott Thompson, Executive Director

Kelly Dixon, Land Protection Division

Lloyd Kirk, External Affairs

Shellie Chard, Water Quality

Michelle Wynn, Legislative Liaison

Erin Hatfield, Public Information Officer

Chris Armstrong, State Environmental Laboratory

Proposed Topics:

- PFOS/PFOA

- Superfund (in general and Eagle Industries, Tar Creek, Wilcox)

- RCRA (Macy's SEP was a positive)
- Water loss audits (our program that helps water systems save water and money)
- FACT team, including tribes, USDA, DWSRF and state funding projects
- Importance of building drought resiliency into drinking water systems in response to drought, shifting population, expanding water demanding industries

**From:** Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]  
**Sent:** Thursday, June 21, 2018 4:13 PM  
**To:** Fenton Rood  
**Cc:** Jackson, Ryan; Kunding, Kelly  
**Subject:** Touching base regarding Monday

Fenton-

This is to confirm Pruitt's meeting with the director and division directors at 2 PM next Monday. Thanks again for your help. My cell is Ex. 6 - Personal Privacy if you need anything. I have also copied Kelly Kunding with our advance team who will reach out about a security walk through in advance. Also, do you mind sending me an attendee list when you have one?

OK DEQ

707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)

**To:** Nolan, Rich[RNolan@nma.org]  
**From:** Bennett, Tate  
**Sent:** Thur 12/7/2017 12:43:18 PM  
**Subject:** Re: Morning Energy: Pruitt heads to House grilling today — Major flop in Alaska lease sale bodes ill for ANWR estimates — McIntyre gets sworn in at FERC today

Usual suspects

On Dec 7, 2017, at 7:40 AM, Nolan, Rich <RNolan@nma.org> wrote:

Begin forwarded message:

**From:** "POLITICO Pro Energy" <politicoemail@politicopro.com>  
**Date:** December 7, 2017 at 5:45:03 AM EST  
**To:** <rnolan@nma.org>  
**Subject:** Morning Energy: Pruitt heads to House grilling today — Major flop in Alaska lease sale bodes ill for ANWR estimates — McIntyre gets sworn in at FERC today  
**Reply-To:** "POLITICO subscriptions" <reply-fe871372766d01787c-630326\_HTML-637936621-1376319-0@politicoemail.com>

By Anthony Adragna | 12/07/2017 05:43 AM EDT

*With help from Emily Holden, Eric Wolff and Alex Guillén*

**WELCOME TO CONGRESS, MR. PRUITT:** EPA Administrator Scott Pruitt makes his long-awaited first appearance before a House Energy and Commerce subpanel this morning where he's expected to get grilled on a host of issues. The session will be broken into two segments — 10-11 a.m. and then 2 p.m. onwards — to allow Pruitt to attend a White House meeting on biofuels (more on that below). Look for E&C Environment Chairman [John Shimkus](#) to recognize the arrangement is "not ideal, but gives members maximum ability to personally question the administrator about the agency's mission" during his opening remarks.

**What Republicans will say:** Expect Chairman [Greg Walden](#) to press Pruitt on budget transparency and his plans to address staffing issues: "I expect that 'Back to Basics' is not an abdication of environmental protection, but rather a rededication to mastering the most fundamental aspects of EPA's mission," he'll say, according to prepared remarks glimpsed by ME. Shimkus said his questions could touch on a range of topics, including TSCA, brownfields, safe drinking water and the agency's staffing.

**And Democrats?** "We're all noticing the orientation toward the environment is completely different with respect to budgeting, with respect to climate change,

potentially with respect to methane, particulates," Rep. [Scott Peters](#), a subcommittee member, told ME. "So, I just think we want to get a sense of where he's going and how he'll measure success." The committee's top Democrat, [Frank Pallone](#), wouldn't reveal what he intends to grill Pruitt about when ME caught up to him in the hall.

**Pro's Alex Guillén's expectations for Pruitt's first Capitol Hill appearance in six months:** "Lawmakers have probably built up some serious questions in that time, so we could see questioning on practically any issue before EPA: the Clean Power Plan repeal effort; the Waters of the U.S. rewrite; Superfund work; proposed budget cuts; Pruitt's decision earlier this year not to ban chlorpyrifos; and his increased security and travel. Pruitt's [prepared testimony](#) offers a standard overview of his EPA philosophy."

**Rally time:** Environmental and public health advocates, including the Union of Concerned Scientists, Sierra Club, Business Forward and the Alliance of Nurses for Healthy Environments, will rally outside Rayburn at 9:20 a.m. to draw attention to Pruitt's lagging enforcement efforts, spending habits and overhauls of science advisory panels. Ahead of the session, the Environmental Defense Fund updated their "[Pruitt Playbook](#)" and the Union of Concerned Scientists offers some [suggested questions](#) to ask.

**If you go:** The [hearing](#) kicks off at 10 a.m. in Rayburn 2123.

**WHY PRUITT'S LEAVING:** Sen. [Ted Cruz](#) has secured a meeting today at 11:30 a.m. with President Donald Trump and several Cabinet members, including Pruitt, for what he told ME is likely to be a "free-ranging discussion" about biofuels and the [recent fights](#) over the Renewable Fuel Standard. His message? "We need to find a solution that is a win-win. That is a win for corn farmers across the Midwest but at the same time is a win for blue-collar union members who work in refineries and right now are being bankrupted by a regulatory system that isn't working," the Texas Republican said. Other Senate Republicans are expected to attend as well (perhaps the ones who signed [this letter](#)). Remember Cruz still has a hold on Bill Northey's USDA's farm and conservation mission nomination, so watch to see if that's lifted as the most immediate outcome of the session.

**Oilies only:** Sen. [Chuck Grassley](#) wasn't invited to the meeting, his spokesman said, but not to worry: Grassley has said that a White House RFS meeting would be "a waste of time." And if there's one thing energy world knows now, it's that if you don't have Gang Grain, you got nothing.

**WELCOME TO THURSDAY!** I'm your host Anthony Adragna, and no one was able to name the Father Millet Cross national monument (which has since been transferred by Congress to a state park) as our nation's smallest at just 0.0074 acres when designated. For today: Which state currently has the most national monuments at 18? Send your tips, energy gossip and comments to [aadragna@politico.com](mailto:aadragna@politico.com), or follow us on Twitter [@AnthonyAdragna](#), [@Morning\\_Energy](#) and [@POLITICOPro](#).

**ARCTIC LEASE SALE FLOP:** Despite touting the "largest ever" lease sale in the National Petroleum Reserve-Alaska, BLM received just bids on seven of the 900 tracts offered, Pro's Ben Lefebvre reports. Those bids, generating just \$1.2 million in high bids, came jointly by ConocoPhillips and Anadarko for 80,000 acres, or less than 1 percent of the acreage offered. The highest bid amount was \$14.99 per acre. The relatively low amount could undercut GOP arguments that opening up the nearby Arctic National Wildlife Refuge would generate \$1 billion in revenue. Leasing of state land did quite a bit better, according to the Anchorage Daily News.

**For perspective:** At the price of \$14.99/acre, "leasing the entirety of the Arctic Refuge Coastal Plain's 1.5 million acres would raise slightly more than \$11 million in revenue for the federal government, a far cry from the billion dollar lie that Trump and Republicans are feeding the American public," the Alaska Wilderness League's Kristen Miller said in a statement. Remember the Republican budget calls for Senate ENR to kick in \$1 billion in revenue (which CBO said would come through ANWR drilling), though the lease results seem to bolster skepticism from environmental advocates and Democrats about those estimates.

**Situational awareness:** Energy Chairman Lisa Murkowski was named a tax conferee late Wednesday, along with Sens. Orrin Hatch, Mike Enzi, John Cornyn, John Thune, Rob Portman, Tim Scott and Pat Toomey. "With Congressman [Don Young] representing the House of Representatives on our energy provisions, Alaskans will have a very strong voice at the table to ensure this bill crosses the finish line," she said in a statement.

**No (strategic petroleum) reservations:** Count Shimkus, a tax conferee, among the backers of the Senate's approach of selling off 7 million barrels from the Strategic Petroleum Reserve as part of the final tax package H.R. 1 (115). "There was a reason to have the SPR," he told ME. "There is a credible reason to debate whether, for now and in the immediate future, there is a need." He also said he's a "big ANWR supporter" and that he doesn't see the Arctic drilling provision getting pulled from the final version.

**INHOFE, PRUITT'S TOXIC LEGACY:** POLITICO Magazine's Malcolm Burnley takes a deep dive into the contaminated Oklahoma region of Tar Creek, an area so poisonous that only 10 holdouts live there, and he finds a buyout program for residents that left Sen. Jim Inhofe awash in scandal and litigation. Then-Attorney General Scott Pruitt ultimately concluded an audit into possible criminal wrongdoing didn't warrant charges and he shielded his review from public release, only to have some in the state believe his efforts were designed to spare Inhofe embarrassment. Many residents in the polluted zone of Tar Creek continue to express shock that no one was prosecuted over what happened in their federal buyout program

**Pruitt and Inhofe flatly denied** there was any political motivation in shielding the audit. "It was important to protect the individuals' reputation that were in that investigation," Pruitt said in an interview. "You would think that this wouldn't be a



political issue, that people wouldn't put on the red and blue jerseys." One interesting fact though: Ryan Jackson, now Pruitt's chief of staff, was once Inhofe's point person on the Tar Creek issue. Photo gallery [here](#).

**Pruitt's new gig:** Trump named the EPA administrator to chair the Gulf Coast Ecosystem Restoration Council, a group formed after the Deepwater Horizon oil spill restore the ecosystems and economies of the Gulf Coast, your ME host [reports](#). Pruitt named Kenneth Wagner, a senior adviser, to be his designee on the council.

**MAY FERC NOW BE WHOLE:** New FERC Chairman Kevin McIntyre will be sworn in today, bringing the five-member agency to full power, Pro's Eric Wolff [reports](#). His swearing-in will put to rest rumors that either the Trump administration or McIntyre himself were delaying his start date to give current Chairman Neil Chatterjee enough service time to make staffing changes

**MORE HEARINGS COMING ON CLEAN POWER PLAN:** EPA announced Wednesday it would hold additional public hearings on its plan to repeal the Clean Power Plan in San Francisco; Gillette, Wyo.; and Kansas City, Mo., Pro's Emily Holden [reports](#). Pruitt said the change was "due to the overwhelming response" and the agency will announce the dates and locations of the meetings in the coming weeks.

**SPLIT OVER EXTENDERS?** Ways and Means Chairman [Kevin Brady](#) told reporters Wednesday he doesn't like the idea of moving a package of extenders this year but hasn't made a final decision yet, Pro Tax's Brian Faler [reports](#). "It's horrible policy and process," he said. But those comments come as Thune, the Senate's number three Republican, said lawmakers will revive biodiesel, geothermal and other energy-related breaks along with other "cats and dogs." Doing an extenders package as the chambers work to iron out differences between their broader tax bills is likely to test tax writers' bandwidth.

**Shutdown watch:** Congressional leaders head to the White House for a meeting with Trump on government funding today, but GOP lawmakers expect to pass a two-week spending package despite internal division within their party, POLITICO's Rachael Bade and Sarah Ferris [report](#). House Freedom Caucus leaders have been asking for a commitment GOP leadership does not believe it can give them: a promise to "hold the line" and refuse Senate Democrats' demands for increased spending on non-defense programs.

**House Democrats,** including Minority Whip Steny Hoyer, hold a press conference at 10 a.m. in Cannon 234 to call on Republicans to take up additional federal assistance for Puerto Rico and the U.S. Virgin Islands. Watch [here](#).

**ICYMI:** Both sides framed their arguments at a hearing of the U.S. Trade Representative over whether to impose tariffs on solar equipment imports in language aimed at swaying Trump, Pro's Eric Wolff [reports](#).

**PATAGONIA SUES OVER BEARS EARS:** A coalition of groups, including Patagonia, became the latest to file a lawsuit challenging the Trump administration's downsizing of Bears Ears National Monument on Monday. Link to the lawsuit filed in Washington federal court [here](#).

**ENDANGERMENT FINDING PUSHBACK STALLS:** Conservative state lawmakers and businesses that are members of the American Legislative Exchange Council on Wednesday shot down an effort to urge Pruitt to challenge a science-based endangerment finding that requires EPA action on greenhouse gas emissions. "In subcommittee, a substantive conversation occurred where arguments were made for and against the draft model policy," said Bill Meierling, executive vice president of external relations for the group. "After debate, it was clear that neither the public nor the private sector supported the draft as written."

**Meierling added that** "ALEC members prefer to advance policy only after a consensus opinion has been reached." Reports suggested later the resolution had been pulled in the aftermath of strong opposition, including from Exxon Mobil. Pruitt was expected to speak at the ALEC meeting on Friday but canceled due to a "scheduling conflict," Meierling said.

**NO COMMENT:** Murkowski forcefully [urged](#) Sen. [Al Franken](#) to step down amid sexual harassment allegations on Wednesday, but a spokeswoman declined to state whether Roy Moore would be welcome on her committee if he wins the Alabama special election next week. "We aren't commenting until after the special election and decisions about committee seats are made by conference," she said. Outgoing Alabama Sen. [Luther Strange](#) currently has a slot on the energy panel.

**THERE'S ALWAYS A TIE:** Congressional Democrats said Tuesday they have evidence then-national security adviser Michael Flynn sent assurances to former business partners that a U.S.-Russia energy partnership in the Middle East, which reportedly would have included more than two dozen nuclear plants in the region, was "good to go," POLITICO's Kyle Cheney [reports](#). The revelations from a whistleblower came in [a letter](#) released Tuesday.

**MAIL CALL! LET'S BOOST EFFICIENCY CAPS!** A collection of energy efficiency organizations, led by the Alliance to Save Energy, sent a letter to congressional appropriators on Wednesday urging them to boost "budget cap allocations for federal energy efficiency programs." Failure to do so could result in steep cuts to EPA and DOE programs across the board, the groups warn. Link [here](#).

**TAKE A GLANCE! LESSONS FROM THE RFS:** The American Enterprise Institute is out with [a report](#) looking at policymaking lessons from the RFS. It argues the biofuels mandate would be better as a rate standard than a volume standard, EPA should issue multiyear rather than annual rules and that uncertainty should be explicitly incorporated into future rulemakings, among other things.

**BAD SOLAR ACTORS:** Campaign for Accountability released the results of a years-long investigation concluding two companies — Vivint and SolarCity — received more complaints about their sales tactics than others in the solar industry.

"Unfortunately, the deceptive sales tactics of solar companies, like Vivint and SolarCity, are making rooftop solar a risky bet," Daniel Stevens, the group's executive director, said in a statement. Read it [here](#).

**DREAMS TURNED REALITY?** The Center for Western Priorities is out with a report finding the Trump administration has already granted 13 of the energy industry's 24 top priorities. Read it [here](#).

**SUGGESTIONS GIVEN:** American Council for Capital Formation released a paper this morning with ten ideas for improving the regulatory process. It's the product of a November 2016 roundtable with Sens. [Mike Rounds](#), [Angus King](#), [James Lankford](#) and others. Link [here](#).

**MOVER, SHAKER:** Michael Boucher has joined Crowell & Moring LLP environment and natural resources practice as a partner in Washington. He joins from Dentons US LLP, where he led that firm's chemical, pesticide, and consumer product regulation team.

## QUICK HITS

— California AG on Trump EPA: 'It's almost as if they believe they're above the law'. [The Hill](#).

— Wall Street's Fracking Frenzy Runs Dry as Profits Fail to Materialize. [Wall Street Journal](#).

— The IHS Markit electric resiliency study - much less than meets the eye. [Utility Dive](#).

— Patagonia sues over Trump's monuments order. [AP](#).

— Volkswagen Official Gets 7-Year Term in Diesel-Emissions Cheating. [New York Times](#).

— Pipeline explodes in southeastern New Mexico oil patch. [AP](#).

— Christie backs nuclear subsidies but won't sign 'wish list' bill from environmental groups. [POLITICO New Jersey](#).

## HAPPENING TODAY

9:00 a.m. — The Washington International Trade Association holds an event as part of its NAFTA series: "[Energy and the NAFTA](#)," Ronald Reagan Building and

International Trade Center, 1300 Pennsylvania Ave. NW

10:00 a.m. — EPA Administrator Scott Pruitt appears before the House Energy and Commerce Environment Subcommittee, Rayburn 2123

10:00 a.m. — "Transforming the Department of the Interior for the 21st Century," House Natural Resources Oversight and Investigations Subcommittee, Longworth 1324

11:00 a.m. — The World Bank conference call briefing on the One Planet Summit, RSVP: [himtiaz@worldbankgroup.org](mailto:himtiaz@worldbankgroup.org)

12:00 p.m. — "The Business Case for Tax Incentives Promoting Energy Efficiency," Alliance to Save Energy, Rayburn 2203

2:00 p.m. — The House Natural Resources Federal Lands Subcommittee holds a hearing on various bills, Longworth 1324

2:00 p.m. — "OPEC's World Oil Outlook 2017," Center for Strategic and International Studies, 1616 Rhode Island Avenue, NW

## **THAT'S ALL FOR ME!**

*To view online:*

<https://www.politicopro.com/newsletters/morning-energy/2017/12/pruitt-heads-to-house-grilling-today-043377>

## **Stories from POLITICO Pro**

### **Biofuel backers claim victory in EPA battle [Back](#)**

By Eric Wolff | 10/20/2017 05:37 PM EDT

Biofuels backers were breathing a sigh of relief on Friday after EPA Administrator Scott Pruitt backed away from changes to the Renewable Fuels Standard, a reversal that left oil refiners frustrated.

Pruitt acceded to demands from Sen. Joni Ernst that he publicly promise not to pursue plans to change the biofuel program rules — changes that had been sought by oil refiners who have long complained about the costs of implementing the program that many see as a giveaway to the corn states.

Pruitt's letter to Ernst, Sen. Chuck Grassley and five other Midwestern Republican senators delivered what they'd asked for: A promise not to expand the group of companies required to comply with the program, to keep the biodiesel volume requirements at levels proposed in July, to not alter the policy that strips RFS credits

from exported ethanol, and to explore allowing year-round sale of gasoline with 15 percent ethanol nationwide.

The quick reversal by Pruitt — at the direction of President Donald Trump — showed the influence of the biofuel lobby, corn growers and farm-state lawmakers to scuttle changes in the decade-old policy sought by the energy industry.

"This was a basket of bad ideas for biofuels," said Brooke Coleman, head of the industry lobby group Advanced Biofuels Business Council. "And there's no way that we could have any other response than to take this approach. [Pruitt] didn't kick tires on changing the RFS, he tried to take a baseball bat to the program, and the response was matching and in response to, from a magnitude perspective, to the initial foul."

The push by the senators, as well as Midwestern governors, "made a huge difference in this matter," said Michael McAdams, head of the Advanced Biofuels Association. "In addition, the collective unity of the entire biofuels industry, including those who distribute and market these fuels, made a significant impression on the importance and support for the RFS program."

But oil refiners who have said the high cost of biofuel credits, called Renewable Identification Numbers, was costing them hundreds of millions of dollars, lamented the power of the biofuels lobby and the corn-belt lawmakers.

"The [Pruitt] letter is a result of political pressure applied by Midwestern politicians," said one refining source. "Some Midwesterners cannot accept any premise that the RFS could be improved. As a result, their overreaction included everything from holds on confirmations to even more personal threats launched at the White House and EPA."

The unified and vociferous campaign by the biofuels industry in attacking the proposal that would have lowered biodiesel volume mandates surprised some in the refining industry, as well as the political staff in the EPA, sources tell POLITICO.

The Trump administration's embrace of the oil industry had raised refiners' hopes that it could have the best opportunity in years for significant RFS changes, and refining giant Valero Energy, along with a group of Pennsylvania companies, believed they would get relief from what they considered an onerous program.

But Grassley took to the Senate floor to blast Pruitt's biofuel plans as a "betrayal" of Trump's promises to protect ethanol, and he arranged a call with Trump and Pruitt that led to the meeting in his office with Pruitt and Ernst as well as Deb Fischer (Neb.), John Thune (S.D.), Ben Sasse (Neb.), Pat Roberts (Kan.) and Mike Rounds (S.D.). Following that meeting, Ernst demanded the public statement from Pruitt, and said she would withhold her support for Bill Wehrum, who was nominated to run the agency's air office, forcing a delay in the Environment and Public Works Committee's vote until next week.

Ernst spokeswoman Brook Hougesson told POLITICO, "Now that Sen. Ernst has received the assurances that the EPA will support the spirit and the letter of the RFS, she will support Mr. Wehrum."

Valero was disappointed its efforts to change the program had been shot down by the fierce political opposition.

"These senators have intervened in a regulatory process, and the proposals and concepts in the letter address RFS implementation problems to which these senators have offered no constructive solutions," Valero said in a statement. "The only unifying principle of their bullying opposition seems to be a desire to maintain the status quo at all costs and to protect windfall profits associated with unregulated trading of renewable identification numbers, or RINs. Their position advances neither the goals nor the efficient implementation of the RFS, and places U.S. manufacturing jobs at risk."

But in a statement, the White House made clear that Trump remained fully behind the biofuels program.

"President Donald J. Trump promised rural America that he would protect the Renewable Fuel Standard, and has never wavered from that promise," spokeswoman Kelly Love said in a statement. "The president has had constructive conversations with several key officials about the RFS over the past week, and he understands their concerns. The Trump administration will protect the RFS and ensure that our Nation's hardworking farmers continue to fuel America."

One energy executive said the biofuel backers were victorious because they were unified in their support for the RFS, while Republicans, the oil industry, and even the refiners were not on the same page.

"The ethanol boys won this round, no doubt, but at a pretty high cost," said Stephen Brown, vice president for federal government affairs for Andeavor. "The refining industry is anything but united on the RFS beyond a sunset as individual companies have each made investments and honed mitigation strategies to comply with the statute. As those investment decisions become increasingly operationally embedded, the industry will continue to splinter on the suite of RFS issues."

But some producers are still wary of Pruitt's pledge in his Thursday letter, and they note that he promised to release a final rule in which none of the mandatory volumes will be less than he proposed in July. For some producers, those volumes were already too low.

"There's some work to do here," Coleman said. "We won't know until the rule is done. And we recognize it's an ongoing rulemaking, it's not like they're going or republish the rule, they've said what they can say. The final rule really matters."

*To view online [click here.](#)*

[Back](#)

## **'Largest ever' Interior Alaska oil lease sale draws little interest** [Back](#)

By Ben Lefebvre | 12/06/2017 08:26 PM EDT

The Interior Department received only seven bids from two companies today in what it had billed as the "[largest ever](#)" oil and gas lease sale in the National Petroleum Reserve in Alaska.

The bids on the 10.3 million unleased acres in the NPR-A generated just \$1.2 million in high bids, according to a Bureau of Land Management summary. The relatively low amount could undercut GOP arguments that opening up the nearby Arctic National Wildlife Refuge would generate \$1 billion in revenue.

A BLM Alaska [lease sale last year](#) generated \$18 million for 1.4 million acres offered.

Subsidiaries of ConocoPhillips and Anadarko were the only two companies that participated in the lease sale. The companies only bid for 80,000 acres, or less than 1 percent of the acreage offered. The highest bid amount was \$14.99 per acre.

Low oil prices and the relatively cheap and plentiful land available for hydraulic fracturing in the lower 48 has hurt oil company interest in the out-of-the-way fields of Alaska and the Gulf of Mexico. Interior Secretary Ryan Zinke and Sen. [Lisa Murkowski](#) (R-Alaska) have pushed to open more public land to drilling, however, saying that doing so is important to increase domestic energy production.

Zinke had previously said that today's "large and unprecedented sale in Alaska will help achieve our goal of American Energy Dominance."

An Interior spokesperson did not immediately respond to questions.

**WHAT'S NEXT:** Republicans hope to keep ANWR drilling provisions in their budget proposal.

*To view online [click here.](#)*

[Back](#)

## **Democrats worry Arctic National Wildlife Refuge being lost amid tax debate** [Back](#)

By Ben Lefebvre | 11/29/2017 05:17 AM EDT

Democrats' fight to keep oil and gas rigs out of the Arctic National Wildlife Refuge is losing ground as the Republican tax plan advances — and it's almost as if no one has noticed.

The prospect of drilling in the untouched Alaskan tundra is as close to reality as it's been in more than a decade, with none of the political drama that in past decades turned the refuge's fate into a top-tier rallying cry for liberals. Legislation to allow drilling in ANWR is quietly hitching a ride on the tax code overhaul that Senate Republicans hope to complete by the end of the week, overshadowed by larger debates on whether the bill is a giveaway to rich people and corporations at the expense of the poor and working class.

"It's really not gotten the attention that it should," Sen. Tammy Duckworth (D-Ill.), a member of the Energy and Natural Resources Committee, told POLITICO about the ANWR provision. "It's not just the budget discussion. It's about everything else that's going on, the flurry of all sorts of other news."

Angus King (I-Maine) said Republicans were trying to shield ANWR from opposition by adding it to the larger bill rather than bringing it to the floor separately under rules, which would require it to win support from 60 senators to overcome a filibuster.

"Well, clearly the strategy is to try to get it through as part of this tax reform effort and thereby avoid a direct up-or-down vote," King said in an interview earlier this month.

The nonstop news cycle and preponderance of other concerns with the tax bill are making it difficult to focus on an issue that normally fires up Democratic voters.

"I do think that putting ANWR in the budget reconciliation package hasn't drawn as much extremist opposition because it is completely overshadowed by tax reform, which is the center of the package," said Chris Guith, senior vice president of the U.S. Chamber of Commerce's Global Energy Institute. "But there are some who aren't exactly supportive of tax reform that support ANWR, and it's possible to see ANWR bring a vote or two to help pass tax reform."

Senate Energy Chair Lisa Murkowski (R-Alaska) easily advanced legislation through her committee directing the Interior Department to hold two lease sales for drilling in ANWR over the next decade. It would raise \$1 billion over that period, according to the Congressional Budget Office, making it eligible for inclusion in a budget reconciliation package that Democrats cannot filibuster.

The reconciliation package also will include Republicans' tax plan and a repeal of the Obamacare individual mandate. While Murkowski helped scuttle the Obamacare repeal push earlier this year, she says she supports ending the mandate. Murkowski's office did not respond to a request for comment.



ANWR, a swath of tundra on the northern Alaska coast, is home to polar bears, porcupine caribou and a landscape that hasn't been touched in thousands of years. Congress designated the 19 million-acre area a wildlife refuge in 1980, but it set aside a 1.5-million-acre parcel known as "10-02" for possible drilling if future lawmakers approved such a plan. The U.S. Geological Survey estimated in 1998 that part of ANWR could hold up to 12 billion barrels of oil, and President Donald Trump and Alaska Republicans have called it essential for their plans for American "energy dominance."

Sen. Susan Collins (R-Maine), who is undecided on the tax bill for a several reasons, said she will support an amendment on the Senate floor to eliminate the ANWR language, but she said success there is not a prerequisite for her to vote for the underlying bill. "No it is not, but I would certainly try to get it out of the package," Collins told reporters Tuesday. Collins was the only Republican to cross the aisle on an unsuccessful amendment to keep pro-drilling language out of the underlying budget resolution, meaning it is unlikely that she would be able to strip the ANWR provision from a reconciliation bill.

But Democrats say that passing a deficit-increasing tax bill in order to open ANWR would actually harm energy-producing states. That's because the \$1.5 trillion shortfall from the GOP tax cuts would trigger required "pay-as-you-go" cuts to mandatory spending programs, according to a CBO analysis sent to House Minority Whip Steny Hoyer (D-Md.).

One of the programs on the pay-go chopping block would be the energy royalty revenue sharing program carried out through the Mineral Leasing Act. Cutting those payments would lose Alaska an estimated \$15 million in energy royalty payments next year alone, an amount important to a state already facing budget shortfalls.

"Communities throughout the West would be impacted by the loss of revenue, which is used to support a variety of needs including infrastructure, school funding, conservation, and recreation," Hoyer said in a statement to POLITICO. "This is yet another example of the consequences associated with forcing through legislation to add \$1.5 trillion to the deficit in order to give tax cuts to the wealthy."

Pay-go cuts also would hit popular programs like Medicare and student loans, but Congress can waive the law with 60 votes in the Senate. Democrats are not yet on board with that approach.

The current push to open ANWR, coming amid a swarm of competing headlines and buried in larger legislation, has come nearer to succeeding than the GOP's two previous attempts. President Bill Clinton vetoed a budget package in 1995 that included language opening ANWR, while a Democratic filibuster thwarted a second attempt in 2005.

Environmental groups have targeted public engagement at only a handful of congressional districts. The League of Conservation Voters spent \$550,000 on television ads in three Republican congressional districts. The LCV also paid for a bipartisan polling firm to probe public opinion on opening ANWR, but even that focused only on registered voters in eight congressional districts.

"The reason they're trying to sneak it into the tax package is they know they don't have the votes otherwise," said Tiernan Sittenfeld, the league's senior vice president of government affairs. "They know they can't pass it under regular order, that's why they're doing a sneak attack."

Even ANWR supporters are staying out of the spotlight.

"I haven't seen any full-out, front-page ads, nothing like that," Alaska Oil and Gas Association President Kara Moriarty said. "We're a little battle-weary, to be honest. Alaskans support opening up ANWR. There's been a few statements reiterating that."

*Nick Juliano contributed to this report.*

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## **The Environmental Scandal in Scott Pruitt's Backyard** [Back](#)

By Malcolm Burnley | 12/06/2017 05:57 PM EDT

PICHER, Okla. — Tar Creek, Oklahoma, is breathtaking in a terrible way: At one time the world's deepest source of lead and zinc, the three-town region is now a cratered landscape so poisonous that no one, aside from 10 holdouts, can live there. Mountains of ashlike "chat," a toxic residue from lead-zinc milling, rise majestically among the remains of homes torn from their foundations. Abandoned pets forage around the ruins. A child's teddy bear lies sprawled in a ghostly living room. A gorilla statue fronts an empty high school, atop a sign proclaiming "1A Football State Champs, 1984."

Tar Creek is also part of the environmental legacy of one of the state's—and nation's—leading politicians, Senator Jim Inhofe, and his longtime ally, Scott Pruitt, the former Oklahoma attorney general who is now head of President Donald Trump's Environmental Protection Agency. After the EPA struggled to clean up the area, in 2006, Inhofe endorsed a plan in which a trust overseen by local citizens would use federal dollars to purchase homes and businesses in the toxic region so residents could move elsewhere. Then, when the plan proved so problematic that it spawned more than a half-dozen civil lawsuits and an audit into possible criminal wrongdoing, Pruitt, as the state's attorney general, invoked an exception to state freedom-of-information laws to keep the audit from being an open public record.

Now, that decision is coming into new light as many Oklahomans clamor for the audit to be released, suggesting that its revelations will prove embarrassing to Inhofe, who played a key role in designing the buyout plan, and cast doubt on Pruitt's decision not to move forward with charges. Last week, a Washington, D.C., nonprofit called the Campaign for Accountability raised the stakes even further, filing suit in Oklahoma courts to force the release of the audit.

"If you take a look at Scott Pruitt's record, you see a general disregard for transparency," said Daniel Stevens, the group's executive director. "I don't think it's outside our bounds to say that Pruitt is trying to hide evidence of criminal wrongdoing."

Pruitt, in an interview, dismissed the idea that he was covering anything up, saying his former office's grand jury unit reviewed the audit and determined that no charges were warranted. He said he declined to make it public because he didn't want innocent people to be besmirched, even though the auditor rejected that reasoning and maintained it should be a public document. "It was important to protect the individuals' reputation that were in that investigation," Pruitt said.

Nonetheless, the mess at Tar Creek continues to follow Pruitt in other ways. As EPA administrator, he has assumed full responsibility for the still-faltering cleanup. And eyebrows were raised in Oklahoma this past January when, as Pruitt was awaiting confirmation for his EPA post, a White House spokesperson told Bloomberg News that the handling of Tar Creek was emblematic of Pruitt's philosophy: "national standards, neighborhood solutions."

Pruitt, in an interview, said he knew nothing about the Bloomberg article, saying only that he endorses the EPA's current work at Tar Creek and the principle of combining federal resources and state and local leadership, rather than the buyout that occurred before his time as EPA administrator, while he was Oklahoma's attorney general.

"I think as far as a model going forward outside of the buyout, what we're trying to do is have a renewed focus on what I think are some of the most beneficial things we can do for citizens across the country, and that's to address some of these legacy sites that have substantial environmental challenges that allow them to once again enjoy the communities in their backyard," he said.

But many residents of the Tar Creek area, who gave up their homes in a buyout they considered both coercive and corrupt, continue to blame Pruitt for the fact that no one was prosecuted. They described a program so rife with good-old-boy corruption that certain individuals received outsize payoffs while some homeowners got so little they couldn't relocate anywhere nearby; meanwhile, they said, the people hired to demolish the homes received inflated contracts through a flawed process.

"We were lied to and deceived from Day One," said Gloria Workman, who said her

son has learning disabilities from growing up in the polluted zone of Tar Creek, which had lead-poisoning levels in children that were three times higher than those registered in Flint, Michigan, during the peak of its recent water crisis. "Not only were we losing our homes, we were raped in the process."

"It was a nightmare," said Mary Thompson, who was still awaiting a resolution from the trust when an EF4 tornado ripped through Tar Creek in 2008, throwing bodies and trailers through the sky, killing six people and destroying more than 100 homes. Without homes, many people took lower-than-expected buyout offers—however insufficient they were perceived to be—because they had nothing left, she said.

"They preyed on us after the tornado," said Thompson, whose home was leveled.

Nonetheless, Inhofe, in a 2015 news release touting the completion of the buyout, cast it as a success because it did not lead to an expanded federal role.

"This is an example of a government program created for a specific purpose and then dissolves after the job is completed," Inhofe proclaimed.

Now, he continues to defend it but sounds less celebratory. "The first thing to know about the Superfund site at Tar Creek is that it's what's called a 'mega-site' and that it is an exceptional circumstance in every way. You can't compare it to any other Superfund site in the country," Inhofe said in a statement to POLITICO. "The voluntary relocation assistance to get people out of harm's way was right for the situation at Tar Creek, but may not be for every other Superfund—that is why state and local partnership is critical."

To many former residents, who still want the investigative report by the state auditor to see the light of day, even these modest and conditional endorsements feel like slaps in the face.

"People hate the government out here, and it's because of things like this," said Aletha Redden, a lifelong resident of the area who has a Donald Trump bumper sticker on her pickup truck. "I want Scott Pruitt to know: This is not the model."

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**A flat expanse** of dusty roads and scrubby vegetation situated in the heart of Tornado Alley, the Tar Creek area was once the mainstay of the Quapaw Tribe, which was forcibly relocated there by the U.S. government in 1834. At the time, the territory had little economic value, but a half-century later, prospectors discovered enormously rich ore. By the turn of the 20th century, companies broke ground with drill rigs on Quapaw land.

Many of those firms made fortunes, luring white settlers into an uneasy state of coexistence with the Quapaw. Tar Creek proved to be the deepest reservoir of lead-

zinc ore in the world, producing a whopping \$1 billion in minerals between 1908 and 1950, according to the Oklahoma Historical Society. Picher, the largest of the mining towns, swelled to a population of 14,000.

Almost every aspect of life in Tar Creek traced back to the mines. The high school took on the mascot of a gorilla, a reference to workers in the mines who broke up boulders with hammers. Children played in sandboxes filled with chat, the chalky mining debris. Teenagers earned the nickname "chat rats" for climbing up the pillowy piles of toxic rubble throughout town and rolling tires down their slopes.

By the end of World War II, however, the boom was over. Most of the mining companies decamped for richer pastures. For the families left behind—including that of Yankees slugger Mickey Mantle, who grew up in the Tar Creek area in the 1940s—it was a slowly unfolding disaster. The extent of Tar Creek's collapse was reflected in the words of John F. Kennedy, who barnstormed into Joplin, Missouri—25 miles away from Tar Creek—in the closing days of the 1960 presidential campaign.

"My own judgment is I know no tougher occupation in the world that [sic] to be a miner, lead, zinc, coal. I am always glad to meet them because I think they live with peril," Kennedy declared. "They have as tough a life as there is. Every other one whose hand you shake has a finger off, a foot crushed, the chances of in 20 years their having a bad accident are more than any of the rest of us. And yet in this community and in West Virginia and Idaho and in other sections of the United States, there has been no group that has been harder hit, no group that has been more forgotten."

Indeed, after the last prospector looking for ore packed up and left in the mid-1970s, people looked to casinos and farming to make a living. But the residue from decades of mining was poisoning them. In 1979, acid mine water leached into the ground, threatening the area's aquifers, killing fish and turning creeks a rusty orange color. When the federal Superfund program—designed to clean up the nation's most polluted and contaminated land—kicked off in the early 1980s, Tar Creek was named to the inaugural National Priorities List. It's still on the list.

The EPA has spent more than \$176 million over the past 25 years on cleanup work inside the 42-square-mile-area, on projects from plugging mine shafts to removing contaminated surface soil in people's yards. Though the amount of money sounds large, it hasn't been nearly enough to remove the toxic dangers, and many residents insist the cleanup was mishandled from the get-go. In some cases, the removal of soil resulted in sloping yards, which, during bouts of rain, caused flooding and mold inside houses. In 2000, the FBI raided the offices of the EPA's prime contractor at Tar Creek, Morrison-Knudsen. The company later settled a lawsuit brought by the federal government alleging false representation of billing and progress reports for a sum of \$1 million. In the settlement, the company made no admission of wrongdoing.

Meanwhile, the environmental hazards began to multiply: Shortly after the start of that Superfund spending spree, in 1993, researchers at the University of Oklahoma found

that 34 percent of Quapaw children were living with lead concentrations above the federal limit. Further studies found alarming rates of lead and arsenic in both the tribal and non-tribal populations. In 1997, a university-lead study estimated that 21 percent of children near Tar Creek had elevated blood-lead levels (defined as 10 micrograms per liter at the time), which is three times higher than the highest measurements found in Flint, Michigan, in 2015. The learning disabilities and memory loss that had plagued the schools and curtailed lifespans for decades suddenly had a culprit.

As the dangers became ever-more visible and the cleanup lagged, residents rallied around the idea that the government should quickly buy them out of their homes, rather than wait for the hazardous materials to be removed. They thought they might have an ally in the state's senior senator, Inhofe, a Republican who was chair of the Senate Environment and Public Works Committee. But Inhofe, who has a skepticism about environmental science that exceeds that of any of his colleagues, refused to consider the idea. "There will never be a buyout. I promise you that," Inhofe told the *Tulsa World* in late 2003.

Inhofe's refusal to take action of any sort was often criticized in local press, due in part to the relentless attacks of a young Democratic congressman named Brad Carson. "If you'd asked people in Oklahoma politics at the time, they'd say we were mortal enemies," said Carson, referring to himself and Inhofe. "I was elected [to Congress] in 2000, and my goal was to untie the Gordian knot. The area is desperately poor. If it was in suburban Tulsa or Oklahoma City, there would've been outrage."

In 2004, Governor Brad Henry signed a bill authorizing the use of state dollars for the relocation of roughly 100 families with children under the age of 6. Under pressure to take further action, the senior senator began to come around. At first, he secured \$2 million in federal funding to pay for a study that discovered that 286 homes within Tar Creek were at risk of being swallowed up from cave-ins of underground mine shafts. This provided an opportunity for Inhofe to reverse himself on the buyout, supporting it on the grounds of protecting residents from cave-ins.

"The stability with the underground mine workings was worse than anyone had previously been thought," recalls Ed Keheley, a retired nuclear engineer and native of Picher who co-authored the study's final report. In the spring of 2006, Inhofe announced a joint federal and state buyout program that would begin with \$20 million in funding, with the express purpose of relocating any and all people who'd voluntarily leave Tar Creek.

Having once opposed the buyout to his political detriment, Inhofe now used his clout to keep on funding it, but with the idea that decision-making would be concentrated among local leaders, not the federal government. With Inhofe's support, the Oklahoma legislature created a nine-member panel called the Lead Impacted Communities Relocation Assistance Trust to assume control over the project. The members were all volunteers, helping their community, but some had a vested interest in the buyout: They included, for example, a local banker whose institution would later give loans to

people to help them relocate; local property owners whose own homes—and those of relatives—would be subject to the buyout; town officials; and a leader of the Quapaw Tribe.

Inhofe cast himself in the role of the community's protector, putting out a 2008 campaign ad that declared: "Tar Creek: poisoned earth, the threat of schools and churches sinking into abandoned mines. Everyone thought it would be too much to tackle, except for one stubborn man named Inhofe."

But over a five-year period, the buyout would become the subject of a host of civil lawsuits and the subject of a state investigation.

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**The local members of the trust**—few, if any, of them schooled in environmental management—had two major tasks: figuring out how much each property owner should be paid for their home or business, and then choosing a company to demolish the properties. Both tasks would become the subject of complaints about cronyism, with residents saying the trust members rewarded their friends and politically connected individuals.

It didn't help that the trust often met behind closed doors, and that the vice chairman of the trust resigned within a year. The trust's sole employee, operations manager Sonya Harris, also quit, declaring in her resignation letter that she could no longer continue "with a clear conscience without recommending a change; I will not place myself in a position to be perceived as approving of the operations to this point."

The first case to raise eyebrows involved the mayor of Picher, Ernest "Sam" Freeman. In 2005, when the buyout was first being discussed as a probability, he acquired three large parcels of former mining land covered with chat from the Picher Development Authority, which he chaired. Freeman bought them at 3 cents per square foot, for a total price of \$2,088.50, according to the findings of a state audit at the time. It was, the audit declared, a violation of state laws forbidding members of public boards from entering into contracts with those boards. Ottawa County District Attorney Eddie Wyant called on Freeman to return the properties to the development authority in lieu of charges.

"If Sam wanted to buy that land, he needed to get off the board and purchase it legally," Wyant told a local newspaper at the time. "I am not one to put anyone in jail over this, but he needs to clear it up." Wyant, when reached by phone, declined to comment further.

Freeman returned the land, but, in a move that enraged some neighbors, profited off it anyway. The trust had decided that, because so much former mining land had been taken over by state authorities and tribal members, those who owned mobile homes or other shelters on land they didn't own would be eligible for buyouts. Freeman made a

claim based on the fact that he had been maintaining and renting out homes on the chat-infested property for years before he tried to buy it.

Trust documents show that Freeman received at least \$274,000 from the buyout, more than half of which came from the same lots he had been ordered to return by law enforcement. (Freeman told POLITICO a payout of more than a quarter-million sounded accurate enough, though he declined to provide an exact figure.) Neighbors suspected cronyism. Freeman, who is no longer mayor, denied receiving any preferential treatment. "These people thought I bought the lots to make a killing in the buyout," he said. "I don't think I got more than anyone else would have."

The size of the mayor's profit diminished public confidence in the trust, just as it was engaged in the most delicate part of its task, figuring out how much to pay each individual property owner. Property owners were supposed to receive fair market prices as if pollution hadn't existed in Tar Creek, based on the sales of similar properties elsewhere in northeast Oklahoma. But those calculations appeared to lack uniformity.

The average payout for the 695 properties involved in the buyout was just over \$65,000, but the disparity in prices between two properties could be dramatic. Residents complained about lowball offers on some decent properties and overly high payouts for others that were rundown or minuscule in size.

"I got \$3,000 for my gun shop. It took me \$16,000 to build it," said former Tar Creek resident John Frazier.

Wally Long said he and his wife got \$35,000 for their Dairy Queen, while another Dairy Queen right up the road got substantially more.

"We were told [by the trust] that's all the money there is," Long said. "It bothered my wife a lot. She put 23 years of her life into this business."

Meanwhile, a trust member named Janell Trimble got \$185,000 for her house, and her brother collected \$115,000 for his fiberboard house.

"I may be a member of the [relocation trust's committee], but I honor my duties and I recuse myself when family members are involved," Trimble told the *Tulsa World* in 2008. "[B]ut as a buyout participant I also expect to be treated just like the next person."

Nonetheless, both Trimble and her brother received more than 35 percent above the average price per square foot. On the other end of the spectrum, an elderly woman named Betty Betts received an offer of \$12,000 for her home; when she protested, the appraised value was raised to \$20,000. Many people got so little for their homes that they had to turn around and take out loans in order to resettle elsewhere in Oklahoma. In the end, the trust finished up with millions in unspent funds.



Residents concentrated their anger on the company that the trust hired to conduct the appraisals, Cinnabar, which had previously made headlines for its management of a noise-insulation program at the Tulsa Airport, which involved multiple lawsuits. In response, the trust engaged an "appraisal reviewer" to go back over Cinnabar's work. But the reviewer, a company named Van Tuyl Associates, quickly came under criticism as well. "They [often] didn't get out of their car. They never entered these homes," said Keheley, who was a member of the trust at the time. (Van Tuyl Associates is now defunct; its former president could not be reached for comment.)

When the unrest over the buyout made the local newspapers, the trust's leadership pointed to a 95 percent acceptance rate for buyout offers. But some residents accused trustees of pressuring them with "take it or leave it" offers, according to a class-action lawsuit brought against the trustees, Cinnabar and Van Tuyl by more than 250 residents affected by the buyout. Plaintiffs also complained that they were denied the right to view the appraisal paperwork. There was even a fake camera—and posters notifying residents they were being videotaped—in the room where buyout offers were made, an apparent attempt to compel residents to take the offers, according to documents in the suit.

The suit, filed in Oklahoma district court, accused the defendants of cheating average property owners and rewarding friends and associates of the trustees. Depositions revealed an explanation for some of the inconsistencies in appraisals: For certain properties, Cinnabar expanded the boundaries of where it could find "comparables"—properties in adjacent counties whose sale prices were used to calculate the appraisals—with the approval of a state employee named J.D. Strong, who, according to the lawsuit, played a significant role in overseeing the trust.

One of the properties appraised in this fashion was that of Trimble, whose \$185,000 payout, according to appraisal documents, had infuriated other residents.

When, in 2008, residents outlined their frustrations in a scathing six-page letter to Inhofe, Henry and other elected officials, Strong dictated the governor's reply, which was co-signed by Inhofe, lawyers for the plaintiffs asserted in his deposition. "I may have drafted this," Strong responded, when presented with a copy of the letter saved on Strong's computer.

In an interview, Strong defended the trust and its system of appraisals: "We knew going in that we weren't going to be the most popular. We went in with the idea that we were going to be fair. I can honestly say that, looking back, we were fair and unbiased and frugal."

During the six years the lawsuit was making its way through the state court system, both Cinnabar and Van Tuyl Associates declared bankruptcy. Eventually, the plaintiffs and the trust settled the case in 2015 for \$1.3 million, which, after deducting attorney fees, meant that each resident ended up receiving an additional \$2,600.

But that didn't satisfy many property owners.

"The people of Tar Creek were treated like second-class citizens, based on where they were born and lived," concluded Wally Kennedy, a columnist at the *Joplin Globe* who reported on northeast Oklahoma, including Tar Creek, for more than 30 years. "For someone to portray the buyout of the people of Tar Creek as a successful program is lying through their teeth."

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**Once the trust** obtained the properties on the toxic land, the next problem was how to destroy the empty structures that were on them.

Inhofe made sure there was enough money for the job. Even as he joined fellow Republicans in condemning President Barack Obama's 2009 stimulus bill as an unwarranted giveaway, the senior senator helped secure an additional \$15.7 million in the bill to help the trust finish its work.

The trust hired a local businessman named Jack Dalrymple to oversee bids for the demolition contract. He was best known for organizing an annual deer hunt for paralyzed veterans, an endeavor that earned him a lifetime achievement award from a local Chamber of Commerce. His payment was to be 10 percent of the value of the winning bid. He formulated a scoring system to evaluate bids and, in March 2010, the trust awarded the contract to Stone's Backhoe, the most expensive of all four bids. At \$2.1 million, it was nearly four times the cost of the lowest bidder.

Just 14 days after Stone's was declared the winner, it asked that the contract be reassigned to two subcontractors, CWF Enterprises, a carpet-cleaning business, and Vision Construction and Management. Former residents contend that there were longstanding ties between Dalrymple and the subcontractors. Whether or not they were friends before, they soon became hunting buddies. In October 2012, local coverage of Dalrymple's annual event for paralyzed veterans pictured the heads of the two firms setting up the flag for the hunt.

One of the losing contractors filed suit against the trust and individual trustees in Oklahoma district court, accusing them of violating the state's open-meeting act and competitive bidding act. The district county judge sided with the plaintiff, reopening the bidding process.

But rather than blame Dalrymple, the trust gave him a new contract. It included a flat rate for his services, \$305,472—about \$100,000 more than he would have received had the contract remained with Stone's.

In January 2011, a \$1.7 million demolition contract was awarded to none other than CWF Enterprises, the carpet-cleaning business, which was also the least expensive of

the three bids received. A month later, however, the estimated cost of the contract ballooned to \$3,050,786—almost exactly 10 times what Dalrymple received in his new contract.

While many residents cried foul, Andy Lester, the trust's attorney, attributed the increase to the fact that the EPA-controlled repository for dumping debris had just closed down. Trekking the remains of the houses and businesses to a dumping ground further away caused the massive change order, and a near doubling of the contract.

Lester also defends the choice of Dalrymple to handle the bids, contending that he was an engineer with some prior experience with public contracts and that the trust members couldn't handle the process on their own.

"It is important to remember that the trust board consisted of nine members—including, for example, a physician, a school teacher, and a mushroom farmer. They were volunteers, not professionals at this kind of work," Lester said. "Jack Dalrymple is a professional engineer with significant experience. And candidly, there are very few professional engineers in northeast Oklahoma."

Nonetheless, lawyers out of the Tulsa region filed a lawsuit in 2012 under the False Claims Act that accused the trust members, Dalrymple and the heads of the companies hired to do demolition work of being part of a "good old boy network" and defrauding federal taxpayers.

Attorneys for the plaintiffs, Zach and Brad Barron, say the lawsuit fizzled when the Department of Justice took the stance that "the government didn't sustain damages" from the charges laid out in the complaint. In a false claims lawsuit, where the plaintiffs are effectively trying to recoup money that's owed to the government, a lack of willingness from the government is effectively a death knell, the Barrons said. The lawsuit was eventually dismissed.

In an interview, Dalrymple insisted the allegations of cronyism were entirely unfounded.

"There were a lot of emotions and feelings during that period," he said. "When you ask someone to leave their home, it's a tough thing. But ... there was nothing there."

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**Still, the drumbeat** of complaints continued, eventually reaching the ear of Jerry Morris, the state director for Oklahoma's then-junior senator, Republican Tom Coburn.

It was no secret that Coburn, a physician who cast himself as a political outsider, didn't look upon Inhofe with any sort of fond feelings of mentorship.

"I think they were often seen as having very different approaches to politics," said

David Blatt of the Oklahoma Policy Institute. "Inhofe is seen as a classic, pork-barrel politician who'd bring federal dollars to Oklahoma, the more the merrier." Whereas Coburn, Blatt says, "hated that kind of politics and did as little of it as he possibly could. In fact, he spoke disdainfully and caustically about it the whole time he was in the Senate."

Coburn was not shy about stepping on his fellow Republican's toes. Morris forwarded a memo with a lengthy list of allegations related to the awarding of contracts in the Tar Creek buyout, especially regarding the demolition work, to then-Attorney General Pruitt. In April 2011, Pruitt asked the state auditor and inspector, Gary Jones, to look into the memoranda sent from Coburn's office.

"I have determined that these concerns are serious in nature such that an investigation of the matter is warranted," Pruitt wrote to Jones. A 17-point list of allegations for Jones to investigate followed, including whether there was collusion between Dalrymple and the contractors hired to do the demolition work.

After spending almost two years on the investigation, Jones turned over the results of the audit to the attorney general's office in January 2014, apparently believing it had uncovered important information.

For a year and a half, the attorney general sat on the findings. Then, in May 2015, Pruitt announced that he wouldn't press charges. In addition, he vowed to keep the audit secret by refusing to release it.

Jones fired back at the attorney general's office days later, penning a letter to Pruitt that described his rationale for withholding the audit as "baffling."

"To our knowledge, the individuals named in the report are members of a public trust or contractor whose services were retained as part of this substantive project," Jones wrote. Further, he contended, "our office has received no inquiries from you or your staff regarding the content of the audit report."

Pruitt justified the secrecy by comparing the investigation results to the findings of a grand jury. "Specifically, our office is concerned about publication of unsubstantiated criminal allegations against private citizens," Pruitt wrote in a 2015 statement.

In an interview with POLITICO, Pruitt appeared to go one step further, suggesting the audit had in fact been vetted by a grand jury.

"You're addressing issues that it's been some months since I've looked into," Pruitt said. "I know the decision I made at that time was based upon the investigative audit. The investigative audit didn't yield anything to the grand jury, and, as such, it was important to protect the individuals' reputation that were in that investigation."

But when asked to clarify, a Pruitt staff member indicated that he was using the term

"grand jury" as shorthand for the Multi-County Grand Jury Unit, a division of the AG's office, headed at the time by a Pruitt appointee, which decides whether to take cases to a grand jury for indictment.

It's not the same as a grand jury finding. Nonetheless, the attorney general's office, now overseen by Mike Hunter, Pruitt's former top deputy, has denied all open records requests for the audit, declaring it to be "under the supervision of the Multi-County Grand Jury Unit." A spokeswoman for the Oklahoma attorney general's office said that if there was in fact a grand jury, the office couldn't confirm or deny that.

These rationales befuddle open records experts.

"I don't think there's anything in the law that would prohibit it [the investigation] from being released," said Joey Senat of Oklahoma State University, the president of FOIA Oklahoma. "The law doesn't require that the audit be kept secret. What would its release be harming? They've closed the investigation and decided not to prosecute."

Jones, who is now running for governor, reiterated his call for the attorney general's office to release the audit, saying in a statement that "regarding any investigation of this kind, we always err on the side of transparency and the people of Oklahoma have a right to know."

Concluded Senat: "When you have the state auditor [Gary Jones] saying these are not unsubstantiated claims and this is a serious problem, good government would call for letting the public know what happened and showing the public the audit. Transparency helps alleviate a lot of concerns about favoritism, corruption, and incompetency—if those are indeed unfounded."

\*\*\*

**Tar Creek today** looks like an abandoned landfill. Illegal dumping has added a fresh layer of grime to the already ruined patch of earth. Giant craters from collapsed mine shafts, some as large as 200 feet in diameter, are filled with Bud Light cans, shotgun shells and the tangled remains of kids' playground equipment. "We call this urban renewal, Picher style," quipped former resident Gloria Workman.

Abandoned houses that were not part of the buyout are now coated with graffiti. The charred remains of the former mining museum in Picher, which burned down at the hands of arsonists, stands as a teetering monument to Tar Creek's former way of life. And the sense of danger and destruction extends beyond the former buyout area: On rainy days, local fields used for football practice bleed a toxic shade of orange.

The EPA is continuing its now 33-year-old cleanup effort, and it's thrust the Quapaws back into stewardship of the land. Although the tribe leased away or sold off significant chunks of Tar Creek to mining companies throughout the 20th century, the Quapaws have at least temporarily regained control of all of it. Since 2012, the

tribe—a sovereign nation with roughly 5,500 members—has been the primary EPA contractor for environmental remediation at Tar Creek. It's the first time any tribe has been a prime contractor on a Superfund site, assigning all the contracts and overseeing all the work.

"It's a great story," said Craig Kreman, assistant environmental director of the Quapaw tribe. "We're employing tribal members a lot of the time and members of the community. So that income [from the EPA contract] stays here in this community and is being spent in this community. We're not hiring a contractor out of Georgia."

Every day, a steady stream of trucks haul away more than 2,000 tons of soil saturated with cadmium, lead and other metals at the site. Each patch of earth requires years of passive soil treatments before it tests clean enough to plant row crops like winter wheat. Half-acre by half-acre, the hope is that Tar Creek can be put into productive agricultural use decades from now.

In August, after touring the abandoned area and surrounding towns, Pruitt's senior adviser Albert "Kell" Kelly, praised the EPA's efforts surrounding Tar Creek in sweeping terms: "People from all across the country count on the Superfund program to address pollution and revitalize their communities. Tar Creek cleanup is an excellent example of how the program should work. State and local partners, tribal partners, and EPA—all working together year after year to address historical pollution at this megasite. It's cooperative federalism working at its best."

But many local observers, including Ed Keheley, aren't nearly as positive.

"Usually, the EPA comes in, they do their dirty work, sprinkle some wheat seed, take a picture to show Congress, and next year it looks like this," he said, pointing to a barren pasture. "Clearly, the EPA hasn't had the best interests of the people at heart. So I get personally offended when people like Scott Pruitt suggest otherwise."

For his part, Pruitt announced a fresh grant of \$5 million to the Quapaw-led project last May, and he is quick to distance this experiment in local control from the one that preceded it.

"We [the EPA] can't impact the buyout. We didn't authorize the buyout. I didn't manage the buyout and its unique situation," Pruitt said. "I think what's most tangible is what we can do together with the tribe to advance and continue remediation."

When asked to respond to the undying complaints of residents in rural Ottawa County, where Tar Creek is located—a county in which Trump received 71 percent of the vote in November 2016—Pruitt changed the subject. "I had no experience with Tar Creek, to be honest with you," he said.

That's true, except it was his office's decision, when he was attorney general, not to prosecute the people accused of mishandling the trust money, Keheley and other local

residents point out.

But what galls them more than the failure to prosecute is the failure to release the results of a government investigation—an audit that they believe will raise questions about Pruitt's unwillingness to press charges and cast a negative light on a project near and dear to Inhofe's heart.

Pruitt's connections to Inhofe are extensive. One of Pruitt's first hires as EPA chief was Ryan Jackson, a longtime Inhofe staffer and the senator's point person on Tar Creek, who is now Pruitt's chief of staff. He also brought on four other former aides to Inhofe, the Senate's leading proponent of the idea that man-made pollution contributing to climate change is a conspiracy and a hoax. Three of them are Pruitt's senior advisers on air, climate and legal issues.

"It gives me a level of comfort to know that we have a bureaucracy that's actually going to be serving instead of ruling," Inhofe told the *Washington Post*, applauding Pruitt for hiring his staff.

Numerous veteran Oklahoma political watchers, some of whom spoke to POLITICO on condition of anonymity, suggest that there may be an ulterior motive in Pruitt's embrace of Inhofe: It's widely believed that Pruitt, who is 49, wants to run for Inhofe's seat when the senator retires. Many observers think Inhofe is unlikely to seek reelection in 2020, when he'll be 85. And some have noted that Pruitt's decision not to advance the case against the buyout trust spared Inhofe the embarrassment of seeing the program he personally tailored and promoted go down in scandal.

"Pruitt is a rising Republican political star previously in Oklahoma and now nationally," said one journalist who closely follows the Oklahoma political scene. "There have been rumblings that Pruitt might have his eye on higher office. ... Pruitt would do everything to keep Inhofe close, assuming he wants to run for that seat."

Wally Kennedy, the *Joplin Globe* columnist who has covered the Tar Creek trust more closely than any other journalist, said, "My sense of the way that unfolded was that Pruitt decided he was not going to do any kind of prosecution, and then Inhofe writes a letter saying what an outstanding job the trust did. My reaction was 'Huh?'"

"The fact that the audit was not publicly disclosed tells me that somebody is hiding something," he added. "This is Oklahoma taxpayers' money being committed to ratting out what appears to be some apparent corruption. But everybody looks the other way. That's why I'm talking to you. Because if you can shed a light on this, maybe somebody will say 'We need to take a second look at this.'"

Pruitt, however, insists his decisions were strictly based on the law, and an Inhofe staffer flatly dismissed the possibility of Inhofe influencing Pruitt's decision.

"Senator Inhofe would have had no involvement in the case or in any of then-Attorney

General Pruitt's decisions," the staffer said.

Pruitt was similarly bemused by the idea that there would have been any sort of political calculation behind his decision to shield the audit. The only politics in this case, he suggested, was on the part of those who want to embarrass him and Inhofe.

"You would think that this wouldn't be a political issue, that people wouldn't put on the red and blue jerseys," Pruitt said in frustration.

Others argue that transparency in this case is not a political issue as much as a legal right.

"The open records act seems pretty clear this audit should be released," said Stevens, executive director of Campaign for Accountability. "You have to ask why he's not releasing it? Pruitt should have to be held accountable for this."

*To view online [click here](#).*

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### **Pruitt named chair of Gulf Coast Ecosystem Restoration Council [Back](#)**

By Anthony Adragna | 12/06/2017 07:28 PM EDT

President Donald Trump announced today that EPA Administrator Scott Pruitt would chair the Gulf Coast Ecosystem Restoration Council.

The group, formed in 2012 after the Deepwater Horizon oil spill, helps restore the ecosystems and economies of the Gulf Coast. Pruitt was unanimously selected by Alabama, Florida, Louisiana, Mississippi and Texas, the five states on the council.

"I am honored to be selected by the states and look forward to working with the governors to continue the excellent work of this Council to further the critical mission of restoring the Gulf of Mexico ecosystem," he said in a statement.

Pruitt named Kenneth Wagner, a senior adviser, to be his designee on the council. He takes over the chairmanship from the Secretary of Agriculture.

**WHAT'S NEXT:** Pruitt begins his chairmanship of the group.

*To view online [click here](#).*

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## **Powelson says McIntyre to be sworn in Thursday** [Back](#)

By Eric Wolff | 12/06/2017 03:33 PM EDT

New FERC Chairman Kevin McIntyre will be sworn in on Thursday, FERC Commissioner Rob Powelson told an audience of electric power officials in Philadelphia today.

"At a general session this afternoon in Philadelphia, one of the key speakers was FERC Commissioner Rob Powelson, and during his speech this afternoon he confirmed that Kevin McIntyre will be sworn in tomorrow," PJM Interconnection spokeswoman Susan Buehler said.

President Donald Trump nominated McIntyre, a partner at the law firm of Jones Day, to be commissioner and designated him to be chair months ago. The Senate confirmed him in early November, and he received his signed commission just before Thanksgiving.

His swearing in will put to rest rumors that either the Trump administration or McIntyre himself were delaying his start date to give current Chairman Neil Chatterjee enough service time to make staffing changes. Chatterjee will miss that deadline by a day.

It also puts McIntyre in charge of the process initiated by Energy Secretary Rick Perry that is aimed at supporting coal-fired and nuclear power plants in an effort to protect the power grid's resilience. Action on that proposal is expected by Monday.

*To view online [click here](#).*

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## **EPA to hold more hearings on Clean Power Plan withdrawal** [Back](#)

By Emily Holden | 12/06/2017 03:28 PM EDT

EPA will hold three additional public hearings on a proposal to withdraw the Clean Power Plan, in San Francisco; Gillette, Wyo.; and Kansas City, Mo., the agency announced today.

EPA Administrator Scott Pruitt in a press release said the change was "due to the overwhelming response" to two days of hearings in West Virginia last week. Many environmental advocates criticized EPA for initially scheduling hearings only in coal country.

The agency will announce the dates and locations of the meetings in the coming

weeks, and speakers must [register](#).

The Obama administration, by comparison, held public hearings on the proposed climate standards in 2015 in Pittsburgh, Denver, Atlanta and Washington, D.C.

**WHAT'S NEXT:** Comments on the draft withdrawal are due Jan. 16.

*To view online [click here](#).*

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## Republicans divided over taking up tax extenders this year [Back](#)

By Brian Faler | 12/06/2017 05:40 PM EDT

Republican leaders are divided over whether to take up a second tax-cut bill this year.

Senate Republicans want to move legislation reviving a rump group of tax "extenders," separate from their more sweeping plan to rewrite the code.

But the House's top tax writer isn't so sure.

"I don't like the extenders," said House Ways and Means Chairman [Kevin Brady](#) (R-Texas). "It's horrible policy and process."

"No decision yet," he added, saying lawmakers need to talk it over.

His comments came after Sen. [John Thune](#), the chamber's No. 3 Republican, said today lawmakers will revive biodiesel, geothermal and other energy-related breaks along with other "cats and dogs," including a tax credit to maintain short-line railroads.

Thirty-four temporary tax provisions expired at the end of last year, including 16 energy ones, and lawmakers are now facing demands to revive them. Some want to attach the provisions to funding legislation needed to keep the government open [H.J. Res. 123 \(115\)](#).

Many Republicans had sworn off the "extender" ritual after a 2015 tax agreement made many of the breaks permanent while giving others what lawmakers said was one final extension — which, for some, ended last year.

Putting together an extender bill, even as lawmakers negotiate a final compromise on their tax-overhaul plans, is likely to test tax writers' bandwidth.

*To view online [click here](#).*

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## **Solar pitches target Trump at USTR hearing** [Back](#)

By Eric Wolff | 12/06/2017 03:46 PM EDT

Supporters of tough trade tariffs on solar energy equipment and their opponents squared off again at a hearing of the U.S. Trade Representative today, with both sides coloring their arguments in language aimed at swaying the White House.

The two companies seeking tariffs on foreign shipments of solar panels and cells, Suniva and SolarWorld Americas, pressed the case that barriers were vital for protecting U.S. manufacturing of the clean energy technology because of its importance for national security — issues at the heart of President Donald Trump's "America First" agenda.

"A strong remedy is required to persevere the U.S. industry, provide breathing space for this American-invented manufacturing technology," said Matt Card, vice president of operations for bankrupt Suniva. "Anything less would ... result in the loss of this industry. That would have a dramatic negative impact on national security."

Witnesses at the hearing opposed to instituting tariffs raised the same issues, but contended that trade barriers would threaten other businesses, and that the benefits of tariffs would help only a narrow segment of the solar industry.

"Factories in South Carolina and across the nation would suffer from solar tariffs," South Carolina Gov. Henry McMaster told the panel. "While there is only one operating factory in the U.S. petitioning for these tariffs, there are over 50 American-owned factories employing thousands of people that would be the ones harmed, including a steel mill in South Carolina that provides American-made steel for many of the U.S. factories that produce metal equipment for the utility scale solar farms."

The panel, which included representatives from the departments of Energy, Treasury, State, Labor and Commerce, and from the Council of Economic Advisers, appeared unmoved by the national security arguments, and instead peppered parties with detailed questions about the potential tariffs' impacts on U.S. solar power demand. Panel members also questioned whether a few years of trade protections would be enough time for Suniva and SolarWorld to hike their production enough to catch up to overseas competition.

They pressed witnesses from both side on how tariffs would effect the domestic solar market, whether a modest tariff would be effective, and their opinions on the recommendations the U.S. International Trade Commission sent the White House last month. ITC members recommended a range of options, from sliding scale of tariffs to a cap on total shipments.

The Trade Representative will send the White House a recommendation, and Trump has until Jan. 26 to make a decision.

To view online [click here](#).

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**To:** Sarah Greenwalt (greenwalt.sarah@epa.gov)[greenwalt.sarah@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]  
**From:** Bennett, Tate  
**Sent:** Wed 7/5/2017 6:51:30 PM  
**Subject:** Overview of intergovernmental respondents on WOTUS  
WOTUSFedCommentsByState.docx

## **WOTUS Commenters as of C.O.B. June 20, 2017**

**At a glance:**    **19 Governors**  
                      **20 Attorneys General**  
                      **18 Intergovernmental Associations**  
                      **49 cabinet-level state agencies**

### **ALABAMA**

Attorney General Steve Marshall  
Alabama Department of Agriculture

### **ALASKA**

**Governor Bill Walker**  
Attorney General Jahna Lindemuth

### **ARIZONA**

**Governor Doug Ducey**  
Eastern Arizona Counties Organization  
Gila County Board of Supervisors (Humphrey)  
Gila County Board of Supervisors (Martin)

### **ARKANSAS**

**Governor Asa Hutchinson**  
Attorney General Leslie Rutledge  
Arkansas Department of Agriculture  
Craighead County (judge)  
Marion County (judge)  
Polk County (judge)  
Saline County (judge)

### **CALIFORNIA**

Association of California Water Agencies  
California Association of Sanitation Agencies  
California Department of Transportation  
California Storm Water Quality Association  
City of Azusa (city mgr)  
City of Corona (city mgr)  
City of Lake Forest (env. Mgr)  
City of San Juan Capistrano (city mgr)

City of Santa Ana (engineer)  
Del Norte County Board of Supervisors  
Elsinore Valley Municipal Water District  
La Mesa (Helix) Water District  
Los Angeles County Department of Public Works  
Orange County Public Works  
Riverside County Flood Control District  
Rural County Representatives of California  
San Diego County Water Authority  
San Gabriel Valley Council of Governments  
Sanitation Districts of Los Angeles County  
Santa Fe Irrigation District  
Santa Margarita Water District  
Tuolumne County Board of Supervisors

## **COLORADO**

Colorado Department of Agriculture  
Colorado Department of Natural Resources  
Colorado Department of Public Health and Environment  
City of Aurora Water Administration  
Huerfano County Water Conservation District  
Northwest Colorado Council of Governments

## **CONNECTICUT**

Connecticut Department of Energy and Environmental Protection

## **FLORIDA**

Charlotte County Board of Commissioners  
Florida Department of Agriculture and Consumer Services  
Florida Department of Environmental Protection

## **GEORGIA**

Attorney General Christopher Carr  
Georgia Department of Natural Resources

## **HAWAII**

**Governor David Ige**

## **IDAHO**

**Governor Butch Otter**

Idaho Department of Agriculture  
Idaho Department of Water Resources

## **INDIANA**

Attorney General Curtis Hill, Jr.  
Association of Indiana Counties  
County Supervisors Association of Indiana  
Blackford County Surveyors  
Hamilton County Surveyors  
Hancock County Surveyors

## **IOWA**

**Governor Kim Reynolds**  
Lt. Governor Adam Gregg  
Buchanan County

## **KANSAS**

**Governor Sam Brownback**  
Attorney General Derek Schmidt

## **KENTUCKY**

Attorney General Andy Beshear

## **LOUISIANA**

Attorney General Jeff Landry

## **MAINE**

**Governor Paul LePage**

## **MASSACHUSETTS**

Massachusetts Department of Environmental Protection

## **MICHIGAN**

Attorney General Bill Schuette  
Michigan Department of Agriculture and Rural Development, jointly with  
Michigan Department of Environmental Quality

## **MINNESOTA**

Minnesota Department of Natural Resources



Minnesota Pollution Control Agency

## **MISSISSIPPI**

**Governor Phil Bryant**

Forrest County (supervisor)

## **MISSOURI**

**Governor Eric Greitens**

Attorney General Josh Hawley

Missouri Department of Natural Resources

## **NEBRASKA**

**Governor Pete Ricketts**

Nebraska Department of Agriculture

Nebraska Department of Environmental Quality

Nebraska Department of Natural Resources

## **NEVADA**

**Governor Brian Sandoval**

Attorney General Adam Paul Laxalt

Nevada Division of Environmental Protection

Clark County Regional Flood Control District

Humboldt River Basin Authority

## **NEW HAMPSHIRE**

**Governor Chris Sununu**

## **NEW MEXICO**

New Mexico Department of Agriculture

## **NEW YORK**

New York State Department of Environmental Conservation

## **NORTH DAKOTA**

**Governor Doug Burgum**

Attorney General Wayne Stenehjem

## **OHIO**

Attorney General Mike DeWine  
Ohio Environmental Protection Agency  
Ohio Department of Natural Resources, Oil and Gas Resources Mgt

## **OKLAHOMA**

Attorney General Mike Hunter

## **OREGON**

Oregon Department of Environmental Quality  
Oregon Department of Fish and Wildlife  
Oregon Department of Forestry  
Oregon Department of State Lands  
Jackson County Road Department  
Yamhill County Commission

## **PENNSYLVANIA**

Pennsylvania Department of Agriculture  
Pennsylvania Department of Conservation and Natural Resources  
Pennsylvania Department of Environmental Protection  
Pennsylvania Department of Transportation (nat res. staff)

## **SOUTH CAROLINA**

**Governor Henry McMaster**  
Attorney General Alan Wilson  
Dorchester County Administrator

## **SOUTH DAKOTA**

Attorney General Marty Jackley  
South Dakota Department of Environment and Natural Resources  
Pennington County Board of Commissioners

## **TENNESSEE**

Tennessee Department of Agriculture  
Tennessee Department of Environment and Conservation

## **TEXAS**

Attorney General Ken Paxton  
Railroad Commission of Texas (three commissioners)  
Texas Commission on Environmental Quality  
Texas Department of Agriculture

Texas Department of Transportation  
Texas General Land Office

#### **UTAH**

Attorney General Sean Reyes  
Duchesne County Commission

#### **VIRGINIA**

Commonwealth of Virginia Department of Agriculture and Consumer Services  
Spotsylvania County (engineer)

#### **WASHINGTON**

Washington Department of Ecology

#### **WEST VIRGINIA**

Attorney General Patrick Morrissey  
West Virginia Department of Environmental Protection

#### **WISCONSIN**

Attorney General Brad Schimel  
Wisconsin Department of Natural Resources

#### **WYOMING**

Wyoming Association of Conservation Districts  
Wyoming County Commissioners Association  
Wyoming Department of Environmental Quality

#### **INTERGOVERNMENTAL ASSOCIATIONS**

**\*Joint Letter from the National Association of Counties, National League of Cities, U.S. Conference of Mayors**

**Association of Clean Water Administrators**

**Association of State Floodplain Managers**

**Association of State Wetland Managers**

**Environmental Council of the States**

**National Association of Conservation Districts**

**National Association of Clean Water Agencies**

**National Association of State Departments of Agriculture**

**National Association of Flood and Stormwater Management Agencies**

**National Conference of State Legislatures**

**National Governors' Association – Gov. Edmund Brown (CA) and Gov. Matt Mead (WY)**

**National Municipal Storm Water Alliance**

**National Water Resources Association**

**New England Interstate Water Pollution Control Commission**

**Western Governors' Association – Gov. Steve Bullock (MT) and Gov. Dennis Daugaard (SD)**

**Western States Water Council**

**\*\*Joint Letter signed by Attorneys General from 20 states**

**To:** Daniell, Kelsi[daniell.kelsi@epa.gov]  
**Cc:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]  
**From:** Bennett, Tate  
**Sent:** Fri 6/29/2018 1:07:23 PM  
**Subject:** Re: Morning Energy, presented by ExxonMobil: What comes next for FERC? — Perry's New York state of mind — Pruitt meets California official on cars

Nice!

On Jun 29, 2018, at 8:47 AM, Daniell, Kelsi <daniell.kelsi@epa.gov> wrote:

Got Kelsey to include our meeting!

Sent from my iPhone

Begin forwarded message:

**From:** "POLITICO Pro Energy" <politicoemail@politicopro.com>  
**Date:** June 29, 2018 at 2:44:20 AM PDT  
**To:** <daniell.kelsi@epa.gov>  
**Subject:** Morning Energy, presented by ExxonMobil: What comes next for FERC? — Perry's New York state of mind — Pruitt meets California official on cars  
**Reply-To:** "POLITICO subscriptions" <reply-fe9013757364017d7d-630326\_HTML-848943095-1376319-0@politicoemail.com>

By Kelsey Tamborrino | 06/29/2018 05:41 AM EDT

*With help from Anthony Adragna*

**PLOT TWIST:** FERC Commissioner Rob Powelson shocked the energy world Thursday night when he announced he will leave the agency to lead a trade association for water utilities. Powelson, a Republican appointed by President Donald Trump, was one of the agency's fiercest critics of the administration's efforts to bail out struggling coal and nuclear power plants, but he told Pro's Darius Dixon that policy disagreements had nothing to do with his decision. He said he simply couldn't pass up the once-in-a-lifetime opportunity to take a great job as CEO of the National Association of Water Companies that would allow him to nix the commute to Washington from his home near Philadelphia.

**There is no "subplot to this,"** Powelson said, adding it was a decision he made with his family. "I'm at peace. I know people want to be like, 'Argh, he got forced out! He pissed off the president or Rick Perry.' I'm free to speak my mind now more than ever.

And as a Philly boy, I will let it fly," he said. "No one came at me and said, 'You need to move on. You know if that would ever happen, I would never do it anyway. ... If I was done wrong, I'd tell you about it. But life is better than I deserve it to be."

**His departure will leave FERC deadlocked**, and likely unable to approve new interstate natural gas pipelines over Democratic objections related to issues like climate change. Powelson was a critic against the administration's coal and nuclear bailout pitch, telling a Senate committee earlier this month that a bailout "goes against everything we talk about in terms of supply-and-demand side economics."

**Now Trump has a chance to nominate** a new commissioner who is friendlier to his pro-coal policies. Still, that person will require Senate confirmation with a tough calendar ahead. Keep in mind, the Senate is racing toward midterm elections, August recess and now a new Supreme Court confirmation — making a speedy confirmation for a FERC nominee all the more unlikely. Read more.

**NEW YORK STATE OF MIND:** Energy Secretary Rick Perry offered some harsh words Thursday for the state of New York energy, suggesting the federal government should consider preventing the state from blocking new natural gas pipelines. "I think we need to have a conversation as a country, is that a national security issue that outweighs political concerns in Albany, New York?" Perry said, referring to the administration's central national security argument behind efforts to bail out economically struggling coal and nuclear power plants.

**Perry has criticized New York Gov. Andrew Cuomo** for years, but didn't mention him by name in his remarks at the World Gas Conference. Perry said political opposition to new gas infrastructure had left the state vulnerable, including to major winter storms and cyberattacks. "And people literally have to start making the decision about 'Do I keep my family warm? Do I keep the lights on?' Does the financial center of New York go dark? Do the hospitals shut down?" he said. Read more from Pro's Matt Daily.

**FINALLY FRIDAY!** I'm your host, Kelsey Tamborrino. PECO's Tom Bonner correctly identified the three current governors born in Pennsylvania: John Kasich, John Hickenlooper and Tom Wolf. A geography question to close out the week: What state has a triple divide that allows water to flow to the Pacific Ocean, Atlantic Ocean or the Hudson Bay? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseyam, @Morning\_Energy and @POLITICOPro.

**PRUITT MEETS CALIFORNIA OFFICIAL ON CARS:** EPA Administrator Scott Pruitt will meet with California's top air regulator this morning in San Francisco, the agency said. Pruitt and Mary Nichols, the head of the California Air Resources Board, will discuss various issues including "cooperative federalism, car and truck greenhouse gas standards, and NAAQS," according to EPA. The Trump administration is weighing action on car emissions standards that could spark a court showdown with California,

as it currently has authority to set its own greenhouse gas limits on tailpipe emissions. The last time EPA met with CARB officials, the agency called it a "productive" meeting, although Nichols took to Twitter shortly after to dispute that characterization.

**\*\* Presented by ExxonMobil:** Natural gas has become more important than ever. That's because it's fueling an American manufacturing revival and creating jobs while lowering emissions. And ExxonMobil is one of the world's largest providers.  
EnergyFactor.com \*\*

**ZINKE TAKES HIS TURN:** Kicking off the final day of the weeklong World Gas Conference, Interior Secretary Ryan Zinke will deliver opening remarks at a panel on innovation in the energy industry that's set to answer questions like, "How can innovative technologies, business models and operating practices shape the future of the global natural gas industry?"

**Later in the day,** EPA's air chief, Bill Wehrum, will join a workshop on the "role of voluntary action in methane management" — an interesting discussion as greens have pointed fingers at the agency after a report released last week found oil and gas methane emissions are greater than previously thought. Former Energy Secretary Ernest Moniz will close out the conference with remarks about "energy systems of the future."

**FOR YOUR RADAR:** Zinke met with a "good mix" of electricity, oil and gas leaders Thursday afternoon for a roundtable discussion, an industry source who attended the meeting told ME. About 40 or more people attended the meeting with Zinke, the source added, which ranged from discussions on streamlining the permitting process to federal lands. The meeting follows a similar one in May between Zinke and several conservation groups.

**INTERESTING TEAM:** Reps. Kyrsten Sinema, a Democrat running for Senate in Arizona, and Steve Stivers, the chairman of the National Republican Congressional Committee, released legislation Thursday that would require political appointees to personally pay back any illegal expenditures of public funds. No one is singled out, but Pruitt's \$43,000 privacy booth would certainly fit the bill. To qualify for repayment under the bill, the spending must be found illegal through a joint determination from an inspector general and the Government Accountability Office. Reps. Brian Fitzpatrick, Josh Gottheimer, Carlos Curbelo and David Young co-sponsored the legislation.

**TIMING UPDATE:** A House Oversight Committee aide tells ME that staff expect to speak with Kevin Chmielewski, the former Trump EPA political staffer-turned-whistleblower, "within the next couple of weeks." They'll interview current chief of staff Ryan Jackson today, according to the aide. Pro's Anthony Adragna reported committee staff also interviewed policy adviser Samantha Dravis on Thursday.

**INDIAN AFFAIRS NOM CONFIRMED:** The Senate confirmed Tara Sweeney to be assistant secretary for Indian Affairs at Interior on Thursday by a voice vote.

Sweeney, who previously served as executive vice president of external affairs for Arctic Slope Regional Corporation, was nominated back in October, and was advocated for by Senate Energy Chairman [Lisa Murkowski](#). Sweeney was welcomed in a tweet by [Zinke](#), who said he was "excited" for her arrival. "She is the first Alaska Native woman to hold the position," he tweeted. "A historic day for Alaska and America!"

**IG RELEASES SUMMARY ON NPS ALLEGATION:** Interior's inspector general released a brief summary of its investigation into allegations made against National Park Service Deputy Director P. Daniel Smith. An anonymous employee earlier this year said Smith made an obscene gesture and used vulgar language while standing in the hallway of the agency's headquarters, which prompted OIG to launch an investigation in May. The summary stopped short of condemning Smith, and cites a retelling by Smith and another NPS employee, who denied that Smith touched himself obscenely or used any vulgar language. The OIG said it could not find anyone else who witnessed the incident.

**Smith, however, "acknowledged he gestured** with his hands to simulate urinating while telling a story and stated that in hindsight, the story and the gesture were not appropriate for work," according to [the summary](#). "The other employee said he was not offended by the story or the gesture but also acknowledged that they were inappropriate for the workplace."

**THIS LAND IS OUR LAND:** Montana Sen. [Jon Tester](#) is out with a new statewide ad promoting his stance on public lands, Campaign Pro's Zach Montellaro [reports](#). The ad features a video of Tester speaking about his roots. "My family has made a living off the land in Montana for over 100 years," Tester says, adding, "As long as I'm in the U.S. Senate, Montana is not for sale." Watch [the ad](#).

**GAO: DOE SHOULD IMPROVE SPR OVERSIGHT:** The Government Accountability Office released [a report](#) Thursday that offers several ways for DOE to modernize the Strategic Petroleum Reserve. The report found DOE had not identified the optimal size of the reserve, and said the last review conducted by the department "was limited in several ways." GAO made several recommendations, including a suggestion that Congress "may wish to consider setting a long-range target for the size and configuration of the SPR," taking into account issues like future oil production projections and U.S. International Energy Agency obligations.

**"By not examining a full range of options,** DOE risks missing beneficial ways to modernize the SPR while saving taxpayer resources," according to the GAO report, which was requested by the House Energy and Commerce Committee. "We will give GAO's recommendations careful consideration as the committee considers legislative options to address the concerns raised by this report," a joint statement from the E&C energy subcommittee's leadership [said](#).

**REPORT: MORE CAN BE DONE TO FIGHT BLACK LUNG:** Although cases of



black lung disease has declined in miners in most areas, excluding Appalachia, a new report from the National Academies of Sciences, Engineering, and Medicine says a "fundamental shift" is required in the way operators approach exposure control in order to eliminate the disease. The report found operators are complying with regulatory requirements, but the basis of such requirements could improve by recommending improvements to current monitoring technologies, as well as building out the research currently being done, among other guidance. Read the [report](#).

**AGs JOIN EPA SCIENCE PANEL SUIT:** Attorneys general from nine states filed an amicus brief this week in support of the plaintiffs suing over EPA's policy barring scientists who receive agency grants from serving on its scientific advisory committees. "The advisory committee Directive has already caused dozens of uniquely qualified scientists to be removed from their posts on EPA advisory boards and committees, while leaving in place (and even increasing) persons affiliated with regulated industries," the brief states. AGs from Washington, California, Illinois, Iowa, Maryland, Massachusetts, New Jersey, New York and Oregon, and the Pennsylvania Department of Environmental Protection joined [the filing](#).

**MAIL CALL! RECONSIDER THIS:** A bipartisan and bicameral group of lawmakers is calling on Perry to reconsider DOE's move to have power marketing administrations report directly to the assistant secretary for electricity instead of the deputy secretary, as has been tradition. "We are concerned that these changes could lead to decisions that are not in the best interest of Pacific Northwest ratepayers," [they write](#).

**A TIMELINE EMERGES:** The White House is hoping to select a Supreme Court nominee before Trump leaves for his European trip on July 10, POLITICO's Nancy Cook [reports](#). Whomever Trump nominates will likely get a confirmation vote after Labor Day, Senate Majority Whip [John Cornyn](#) said Thursday, [telling](#) POLITICO's Elana Schor he'd be "shocked" if the vote occurred before then. Cornyn, however, added he is "not opposed" to moving more quickly but said the process to confirm a nominee (i.e., background checks) would take quite a bit of time.

**SENATE PASSES FARM BILL:** The Senate Thursday passed a farm bill, [H.R. 2 \(115\)](#), which includes a provision reauthorizing the National Flood Insurance Program. But with the NFIP expiring on July 31, senators are looking at other vehicles to attach a short-term extension, Pro's Zachary Warmbrodt [reports](#).

**MINN. PUC APPROVES LINE 3:** The Minnesota Public Utilities Commission approved Enbridge's proposed Line 3 tar sands pipeline on Thursday in a unanimous 5-0 vote, MPR News reports. The decision came with several conditions, the website writes, "including a decommissioning trust fund to ensure the new pipeline will be retired responsibly decades from now." Green groups have urged the PUC to reject the pipeline, especially following a 2010 Enbridge pipeline spill in Kalamazoo, Mich. Read [more](#).

**VISUALIZE IT:** JUST Capital, a nonprofit business tracking group, will release today its new "Environmental Explorer" interactive tool, which allows users to explore companies based on their environmental impact, including recycling, waste management and electricity use. See it [here](#).

## QUICK HITS

- Sources: India preparing for cut in oil imports from Iran, [Reuters](#).
- "Pope to huddle with environmental leaders, activists," [Axios](#).
- "Gas Natural Fenosa becomes Naturgy," [LNG World News](#).
- "One casualty of Trump's tough Iran stance? U.S. pump prices," [Bloomberg](#).
- "U.S. sues Mount Vernon, alleging Clean Water Act violations," [Associated Press](#).

## HAPPENING TODAY

10 a.m. — Wilson Center [forum](#) on "National Guard Interests in the Arctic: Arctic and Extreme Cold Weather Capability," 1300 Pennsylvania Ave NW.

10 a.m. — The National Academy of Sciences [meeting](#) of the Committee on Offshore Science and Assessment, 2101 Constitution Avenue NW.

12 p.m. — The Federalist Society [teleforum](#) on "EPA's CAFE: What's on the Menu for Fuel Economy and Greenhouse Gas Standards?"

## THAT'S ALL FOR ME!

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<https://subscriber.politicopro.com/newsletters/morning-energy/2018/06/what-comes-next-for-ferc-267420>

## Stories from POLITICO Pro

**GOP FERC commissioner slams latest bailout pitch** [Back](#)

By Darius Dixon | 06/12/2018 03:17 PM EDT

Republican Commissioner Rob Powelson positioned himself Tuesday as FERC's leading critic of the Trump administration's call to rescue financially struggling coal and nuclear plants, panning the latest approach floated by the White House.

Letting the Energy Department prop up money-losing power plants in the name of national security is not necessary to maintain a resilient electric grid, Powelson said at a Senate Energy and Natural Resources Committee hearing with all five FERC commissioners. A former chairman of the Pennsylvania Public Utility Commission, Powelson said electric service was not disrupted by power company bankruptcies during his time as a state regulator.

"These markets are operating hyper-efficiently," he said. "Now, we're seeing the best of all worlds: New resources, cleaner resources, more efficient resources coming in the marketplace. The markets are creating orderly entry and exit, and to put someone's risk capital at play I have grave concerns about that."

The idea of a government bailout "goes against everything we talk about in terms of supply-and-demand side economics," Powelson added.

DOE is pondering the use of the Federal Power Act and the Defense Production Act to force coal and nuclear power plants to keep operating in the face of overwhelming competition from cheap natural gas and growing renewable power that has pushed big power units into retirement. A memo that circulated at the National Security Council earlier this month cited possible attacks on natural gas pipelines among the justifications for DOE's latest national security approach.

Speaking to reporters after the hearing, Powelson acknowledged that national security "should be part of the conversation," but he seemed skeptical of the administration's shifting justifications for a bailout.

"All of a sudden we have a national conversation that went from potential reliability issues, now to national security issues," he said, referring to DOE's ill-fated effort last year to push for payments to power plants with 90 days of fuel on-site, an earlier tactic aimed at supporting coal and nuclear power. "I struggle with the original posture of saying the FERC's not doing enough. I categorically disagree."

Chairman Kevin McIntyre acknowledged that Energy Secretary Rick Perry has the authority to declare a grid emergency that could require retiring power plants to keep operating, but he did not offer any opinion on the merits of such an approach.

Democratic FERC Commissioner Richard Glick, who once worked for former Energy Secretary Bill Richardson, said the agency has not built up a solid record for declaring a national emergency.

At the end of the Clinton administration, the Western energy crisis was still unfolding

and Richardson invoked the emergency powers in the Federal Power Act and made use of the Defense Production Act to force the sale of natural gas supplies into the region because a defense facility was impacted, he said.

"We created a record. We have a record that it truly was an emergency," Glick said. "In this case, I think what we're trying to get a solution before we actually build a record suggesting that there's actually an emergency."

FERC Commissioner Neil Chatterjee, a former aide to Senate Majority Leader Mitch McConnell, tried not to dismiss DOE's proposal out of hand.

"It's a leaked memo. We don't know what the administration intends to do with it. But I think people are also too quickly dismissing it," Chatterjee said. "I've read the memo. There are a number of points in the memo that are thoroughly well-cited and researched and I think we can disagree what the remedy might be but I think they raise a real issue."

On Monday, Chatterjee and Glick penned an editorial that called for setting up a regiment of mandatory standards for natural gas pipeline, the infrastructure that DOE argues poses a risk to national security.

Senate Energy and Natural Resources Chairwoman Lisa Murkowski told regulators that she's been frustrated with FERC's pace of addressing market concerns and argued that that may have egged DOE on to jump into the power markets.

"I have my concerns with the steps that the Department of Energy is reported to be considering. But I also recognize that they're trying to fill a perceived vacuum," the Alaska Republican said at Tuesday's hearing.

"In my view, FERC should be pointing the way on policy improvement that address grid vulnerabilities while reaffirming our commitment to competition in wholesale power markets," she said. "And frankly, as one who has been concerned about this issue for years now, I find it unfortunate that prior commissions did not lead more effectively."

*To view online [click here](#).*

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**Powelson: No 'subplot' to surprise FERC exit** [Back](#)

By Darius Dixon | 06/28/2018 08:20 PM EDT

FERC Commissioner Rob Powelson says his surprise decision to resign after just one year at the commission had nothing to do with his frequent objections to one of the

Trump administration's main energy policy goals.

The Republican former state regulator has been one of the most vocal critics of the Energy Department's efforts to rescue economically struggling coal and nuclear power plants, but he said that position was not a factor in his decision to leave the commission. In mid-August, Powelson will take over as CEO of the National Association of Water Companies. He simply jumped at a once-in-a-lifetime opportunity to take a great job that would allow him to avoid commuting to Washington from his home near Philadelphia.

There is no "subplot to this," he told POLITICO on Thursday, saying it was a decision he made with his family.

"I'm at peace. I know people want to be like, 'Argh, he got forced out! He pissed off the president or Rick Perry.' I'm free to speak my mind now more than ever. And as a Philly boy, I will let it fly," he said in a phone interview after announcing his plan to resign.

"No one came at me and said, 'You need to move on,'" he added. "You know if that would ever happen, I would never do it anyway. ... If I was done wrong, I'd tell you about it. But life is better than I deserve it to be."

Powelson's departure could also leave FERC's four remaining commissioners unable to approve new interstate natural gas pipelines over Democratic objections related to climate change or the agency's overall process for assessing the need for those projects. A former chairman of the Pennsylvania Public Utility Commission, Powelson also was one of the strongest advocates for state regulators, especially in PJM — the regional grid that would be most affected by the Trump administration's coal-boosting efforts.

Leaving in August means that Powelson will have served on the commission for just one year of a term that was scheduled to run through mid-2020, making his the shortest tenure in agency history since the 1960s, when FERC was still the Federal Power Commission. It also gives President Donald Trump an opportunity to replace Powelson with a regulator who is friendlier to his pro-coal policies.

Powelson said he didn't expect to be at FERC for such a short time, but felt he couldn't pass up the job offer, especially after the National Association of Water Companies told him it was planning to move its headquarters from Washington to Philadelphia. He has two sons, a rising seventh-grader and a rising 10th-grader, and said that his job change was in part a decision between career moves and an opportunity to be closer to family.

"I had every intention to stay longer. But honestly, I served eight and a half years on the Pennsylvania commission. I love this place. The people are great [at FERC]," he said. "But for me to say no — that opportunity is not coming around again, and I knew that. There was just too much alignment for me not to take it."

The outgoing commissioner also said that he didn't pine for the FERC chairmanship, noting that few people run a state commission as well as FERC like Texas' Pat Wood did.

"I looked at Chairman [Kevin] McIntyre's desk the other day and I don't miss the piles of paper on my desk. I'm perfectly at peace. I was honored to be a commissioner. It's a stressful job to be a chairman and you're running the agency," he said.

"I've done the chairmanship duty [in Pennsylvania] and I'm perfectly at peace with that," he said. With emphasis and a chuckle, Powelson added: "Perfectly at peace, trust me."

He said he told all the commission leadership colleagues about his plans face to face, and sent an all-hands email to FERC staff Thursday.

Powelson warned that he's excited to talk about "water resiliency" and the "water grid" in a post-Flint, Mich., world that is also looking at the energy-water nexus. The association represents water and wastewater utilities such as American Water and Aqua America, among other companies.

"Now I get to be a pain in the ass on water policy," he said.

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## **Rick Perry takes aim at New York [Back](#)**

By James Hohmann | 06/19/2013 05:01 AM EDT

Rick Perry stars in an ad out Wednesday that coincides with his swing across the Northeast to lure jobs to Texas.

The one-minute, campaign-style video — shared first with POLITICO — attacks New York, where the governor is spending the day, as a high-tax, high-regulation state. ([Watch the ad.](#))

New York Mayor Michael Bloomberg's ban on large sodas is referenced, and New York Gov. Andrew Cuomo is mentioned by name in the first 30 seconds, which plays out like an attack ad.

The second half turns triumphal, with feel-good music and B-roll of Texas skylines.

"Why have more jobs and businesses moved to Texas than any other state? Our state is

No. 1 for business because we have no state income tax," Perry says, "and [Texas] has added more jobs than any state in the nation over the last five years."

The Republican governor, who many believe could run for president again in 2016, notes that Texas was just ranked No. 1 as a place to do business for the ninth straight year by Chief Executive Magazine.

"If you're tired of the same old recipe — of over-taxation, over-regulation and frivolous litigation — get out before you go broke," Perry says, with the state capitol in Austin as a backdrop. "Texas is calling. Your opportunity awaits."

As Perry speaks, messages on screen declare: "Bigger opportunities. Bigger Dreams. A Bigger Future. Go Big With Texas."

Perry is in Connecticut and New York for five days. He has courted, among others, gun manufacturers facing stricter laws in the wake of the Newtown shootings.

This is the latest salvo in an aggressive campaign to attract businesses and raise the state's profile that has already sent Perry to Illinois and California.

The video appears on the Web site of "Texas Wide Open for Business," which is part of the Economic Development Division within the governor's office.

TexasOne, a privately funded entity, launched a \$1 million radio and TV campaign in Connecticut and New York last week. They are also paying for the governor's trip.

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**Perry warns of looming New York energy 'reckoning'** [Back](#)

By Matt Daily | 06/28/2018 04:57 PM EDT

Energy Secretary Rick Perry today suggested that the federal government should consider preventing New York state from blocking new natural gas pipelines, echoing the national security argument he has put behind his efforts to bail out struggling coal and nuclear power plants.

Perry, who has criticized New York Gov. Andrew Cuomo for years, didn't mention the Democratic governor by name, but said political opposition to new gas infrastructure had left the state vulnerable to potential devastating power outages.

"I think we need to have a conversation as a country, is that a national security issue that outweighs political concerns in Albany, New York?" he said.

New York has blocked the expansion of the Constitution Pipeline by denying the project the water permits it needs to extend the pipeline that would carry gas from Pennsylvania.

Perry laid out a scenario to an audience at the World Gas Conference where a major winter storm and cyberattack on the power grid hit the state at the same time.

"And people literally have to start making the decision about 'Do I keep my family warm? Do I keep the lights on?' Does the financial center of New York go dark? Do the hospitals shut down?" he said.

"At that particular point in time, the political leadership of that state that is keeping pipelines from being built — for strictly political purposes — are going to have real reckoning. I wouldn't want to be the governor of that state faced with that situation," he said.

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## **Watchdog reports provide new ammo for Pruitt's critics** [Back](#)

By Alex Guillén and Anthony Adragna | 04/16/2018 12:28 PM EDT

Critics of Scott Pruitt got fresh ammunition against the embattled EPA administrator on Monday, with two federal reports revealing that EPA had broken the law in building him a secure phone booth and that the agency had granted previously undisclosed pay raises of more than 20 percent to his political appointees.

EPA failed to notify lawmakers that it spent more than \$43,000 to build a secure phone booth for Pruitt's office, according to a report from the Government Accountability Office on Monday morning. A few hours later, EPA's inspector general detailed the steep pay hikes — but did offer some support for Pruitt's claim that he had been unaware of controversial raises at the agency, though the internal watchdog stressed its investigation is ongoing.

Pruitt has drawn criticism that he has spent excessively on heightened security since he joined the agency last year. While Monday's GAO report focuses on the phone booth, Pruitt has also expanded his security staff to provide round-the-clock protection and spent heavily on first-class travel for himself and his security personnel to limit his exposure to potential threats from fellow passengers. He also faces questions over his use of special hiring authority to hire former lobbyists and political allies, but the IG's initial findings do not include evidence that he personally circumvented the White House in order to boost their pay, despite earlier reports.



Construction of the phone booth violated the Financial Services and General Government Appropriations Act since it cost well above the \$5,000 limit that requires the agency to notify Congress, according to the GAO.

"We conclude that EPA violated section 710 when it obligated \$43,238.68 for the installation of a soundproof privacy booth without providing advance notice to the Committees on Appropriations of the House of Representatives and the Senate," the GAO report said.

EPA defended the booth as necessary to Pruitt's work, arguing that it was similar to a computer or other equipment he uses. But GAO said the booth is clearly a "furnishment" under the law and thus should have been reported to Congress in advance. EPA did not say whether the phone booth had been certified as a Sensitive Compartmented Information Facility, or SCIF.

"This is just one more example of how Scott Pruitt is blatantly breaking laws and ethics rules that protect taxpayers from government waste, fraud and abuse in order to help himself to perks and special favors — and taking deliberate steps to hide everything from Congress and taxpayers," Sen. Tom Udall (D-N.M.) said in a statement to POLITICO.

Critics wondered why Pruitt needed a place to make secure phone calls in his office since the agency already had two SCIFs in its headquarters. Those SCIFs are located outside of Pruitt's secure suite of offices, however.

The GAO report specifically steered clear of judging whether installing the booth was the best or only way to provide Pruitt with a secure phone line.

An EPA spokeswoman defended Pruitt's need for the booth but acknowledged that Congress had not been informed ahead of time.

"EPA is addressing GAO's concern, with regard to Congressional notification about this expense, and will be sending Congress the necessary information this week," spokeswoman Liz Bowman said in a statement.

Sen. John Barrasso (R-Wyo.), who chairs the Environment and Public Works Committee, said he wants to hear more from EPA about why it did not properly inform Congress.

"It is critical that EPA and all federal agencies comply with notification requirements to Congress before spending tax payer dollars. EPA must give a full public accounting of this expenditure and explain why the agency thinks it was complying with the law," he said.

GAO is also reviewing Pruitt's appearance in a cattle industry video that asked for

public comments on Pruitt's plan to repeal the Waters of the U.S. rule. Democrats similarly alleged his actions violated the Antideficiency Act.

Separately, EPA's inspector general released a [preliminary report](#) on its investigation into several political appointees who were hired or promoted under special authority given to Pruitt through the Safe Drinking Water Act.

The report shows a handful of political appointees at EPA saw their salaries boosted by 20 percent or more in their first year at the agency — in some cases over objections from the White House. But Pruitt did not personally sign off on the most controversial raises, leaving open the question of how involved he was in the decision. The IG said the interim report was meant to "provide certain factual information" and "does not present any conclusions or recommendations."

None of the EPA staffers were named in the report, but the salary and other information provided aligns with names included in previously released employment documents reviewed by POLITICO.

The IG's report shows Sarah Greenwalt, senior counsel to Pruitt, received a \$56,765 raise on April 1, while Millan Hupp, director of scheduling and advance, received a \$28,130 raise the same day. Those figures are in line with [The Atlantic's](#) report that EPA circumvented the White House to boost their pay.

Chief of staff Ryan Jackson signed forms authorizing both of those pay increases, each time writing "Ryan Jackson for Scott Pruitt," according to documents included with the IG report. Jackson had said last week that he approved the raises.

EPA said those raises have been reversed, but the IG was unable to back up that claim. "We requested from the agency any documentation indicating modifications to the salary of any of the employees subsequent to the personnel actions noted above. As of report issuance, the agency was unable to provide us with complete information or confirmation of any modifications," according to the report.

The IG's office also uncovered several previously unreported raises, some of which were granted using the drinking water authority and others achieved by changing the employees' job classifications.

In mid-February, Forrest McMurray, an advance staffer from Oklahoma and, like Hupp, a relatively recent college graduate, saw his salary increase 25 percent through the same SDWA process that was later applied to Greenwalt and Hupp. ([Bloomberg News](#) had initially reported on Monday that the third raise granted via that process was to Samantha Dravis, the association administrator running the Office of Policy. But the third salary increase corresponds with McMurray's employment information, and Bloomberg removed Dravis' name from an updated version of its article.)

A fourth aide, speechwriter Lincoln Ferguson, received 25 percent pay increase last

September after receiving a renewed position with the SDWA authority. Ferguson worked for Pruitt when he was Oklahoma attorney general.

Pruitt signed off on the raise for Ferguson, but not McMurray, according to the IG report.

Two other political appointees — Liz Bowman, the associate administrator for the Office of Public Affairs, and Kevin Chmielewski, the advance staffer who last week made allegations about mismanagement and wrongdoing at EPA to both Democrats and Republicans — appear to have received raises of more than 20 percent last summer when their employment classification was increased. Chmielewski departed the agency in mid-February.

Brittany Bolen, the senior deputy associate administrator in the Office of Policy, had received a 1.6 percent raise last summer when she underwent the same increase in classification.

The IG report was part of a larger investigation into EPA's use of a special hiring authority under the SDWA, which allows Pruitt to hire up to 30 staffers without having to go through normal hiring procedures or subjecting the staffers to the Trump administration's ethics pledge.

The SDWA authority was intended to allow EPA to bring on board engineers or scientists with subject matter expertise. Democratic critics alleged that Pruitt used it to get key political appointees in place quickly or to bypass ethics issues, and asked for the IG to review the matter. But EPA has dismissed those criticisms.

"Salary determinations for appointees are made by EPA's chief of staff, White House liaison, and career human resources officials. Salaries are based on work history; and, any increases are due to either new and additional responsibilities or promotions," EPA spokesman Jahan Wilcox said.

Records released last summer by EPA show that a dozen EPA political staffers were working in "administratively determined" positions as of mid-July 2017, while another 22 had been converted to permanent political appointees or left the agency.

Among those still working under the special hiring authority at that time were Nancy Beck, the deputy for EPA's chemicals office; Byron Brown, Pruitt's deputy chief of staff; air adviser Mandy Gunasekara; and a number of public affairs officials, including Michael Abboud, James Hewitt, Ferguson and Wilcox. Their status may have changed since.

The IG's audit of EPA's use of the hiring authority will continue, with a final report expected at a later date.

*Emily Holden contributed to this report.*

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### **Oversight will interview two more Pruitt aides this week** [Back](#)

By Anthony Adragna | 06/28/2018 02:47 PM EDT

House Oversight Committee staff are interviewing former EPA policy adviser Samantha Dravis today as they continue their probe into allegations of lavish spending and unethical behavior by Administrator Scott Pruitt, a committee aide confirmed.

In addition, staff plan to interview Pruitt's chief of staff Ryan Jackson on Friday, the aide said.

Dravis and Jackson's interviews come after the committee already spoke with multiple other members of Pruitt's inner circle: former security chief Pasquale "Nino" Perrotta, scheduler Millan Hupp and senior EPA counsel Sarah Greenwalt.

Chairman [Trey Gowdy](#) (R-S.C.) had also [requested](#) an interview with former deputy chief of staff turned whistleblower Kevin Chmielewski by June 22, but it's not immediately clear when that interview will occur.

The latest interviews were first reported by [E&E News](#).

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### **Tester launches new TV ad on public lands [Back](#)**

By Zach Montellaro | 06/28/2018 02:43 PM EDT

Sen. [Jon Tester](#) (D-Mont.) launched a new statewide ad called "Not for Sale," touting his stance on public lands and featuring video of Tester speaking with hunters and fishermen.

The [positive ad](#) opens with the senator talking about his family's roots in the state — "My family has made a living off the land in Montana for over 100 years," Tester says — and features a Montanan praising him, saying "he understands the importance of public lands to Montanans and his values are our values."

"As long as I'm in the U.S. Senate, Montana is not for sale," Tester says at the end of the ad.

Tester is facing Republican state Auditor Matt Rosendale in November.

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### **White House wants Trump to nominate a justice before Putin trip [Back](#)**

By Nancy Cook | 06/28/2018 05:07 PM EDT

The White House hopes to have a Supreme Court nominee chosen by the time President Donald Trump leaves for his European trip on July 10, according to one Republican close to the White House and one person involved with the judicial selection process.

The White House is expected to start interviewing candidates early next week, with the White House's top attorney, Don McGahn, leading that process. The goal is to hold

confirmation hearings in August or September, so that any confirmed justice can join the court in early October, before the next term.

Top contenders include Raymond Kethledge, Thomas Hardiman, Amy Coney Barrett, Brett Kavanaugh, and Amul Thapar — though the person involved with the process stressed that other potential nominees from Trump's list of judges could also get a "hard look."

Trump and a cadre of yet-to-be-determined senior administration officials are expected to interview a handful of finalists, similar to how the White House handled the selection of Trump's first Supreme Court pick, Neil Gorsuch.

"The administration has already been through this once, so that really helps a lot. There is already a system in place," said the person involved with the process.

Several outside groups including the Koch-backed Americans for Prosperity and Judicial Crisis Network are expected to help to push the Republican nomination, especially once Trump announces his nominee.

The Judicial Crisis Network spent more than \$10 million to support the Gorsuch confirmation, and JCN chief counsel Carrie Severino predicted the group's spending would exceed that figure this time around. With Democrats aiming to persuade moderate Republicans to block a nominee, she added, "this nomination will be more contentious."

But after months of the president dividing his party over thorny issues like immigration and trade, the Kennedy retirement offers a unique opportunity to motivate Trump's base and, potentially, to mobilize voters frustrated with Trump to turn out the GOP in the midterm elections anyway.

"Republicans have been looking for an issue to ensure their base turns out in November, and I think we've found it with the Supreme Court pick," said Andy Surabian, a Republican strategist and former special assistant to the president and White House deputy strategist in the Trump administration. "I know the pick will happen before the elections, but messaging-wise, I don't think you can have a better one than: 'Do you want the party of Maxine Waters deciding the fate of the Supreme Court?'"

The president seemed ecstatic about the open seat during a Wednesday evening rally in North Dakota. There, he pledged to select a judge who could serve for 40 to 45 years before doing his best to give supporters a sense of urgency about the need for continued Republican control Congress.

"Justice Kennedy's retirement makes the issue of Senate control the vital issue of our time," Trump said. "It's one of most important things we can do."

This opening gives the White House a chance to energize its base for an election many had expected to favor the Democrats. And it calms some tension inside the administration about what messages Republicans should emphasize in the midterms — the tax bill, economy, work on opioid addiction and drug prices, or hard-line immigration policies.

"It's the policy issue of Supreme Court nominations, not tax cuts, that truly unites the Republican Party, as evident by President Trump's debate answer on this topic that fueled his home-stretch spring in 2016," said Jason Miller, a former top aide to Trump during the campaign and transition.

In recent weeks, Republicans have been split apart by the questions of potential tariffs or hard-line immigration moves. While tariffs and a border wall fire up Trump's base of white, working-class voters, those issues have not resonated as well within the business, donor, or establishment Republican community.

Republican leadership on the Hill had hoped that in 2018 Trump's midterm message would focus primarily on the healthy state of the economy and the Republican tax bill of 2017, yet the president himself has had trouble sticking to that message at several recent rallies.

Yet a Supreme Court nomination — which ultimately could affect health care, abortion rights, affirmative action, freedom of religion and speech, guns rights, and corporate regulations - brings together the disparate coalitions of the Republican Party.

Already the anti-abortion group, SBA List, has volunteers on the ground in Ohio, Florida and Indiana going door-to-door to try to woo female voters, Hispanics, and Democrats to support anti-abortion legislation. They just hired field staff to allow them to expand the operation into North Dakota and West Virginia, home states of two vulnerable Senate Democrats, Heidi Heitkamp and Joe Manchin, respectively.

"The Senate is where Supreme Court picks are confirmed. That is one of our driving reasons for engaging at this level," said Mallory Quigley, a spokesperson for SBA List.

On Thursday night, Trump met with a group of bipartisan senators, including Democrats Heitkamp, Manchin and Joe Donnelly and moderate Republicans Susan Collins and Lisa Murkowski, to discuss the Supreme Court vacancy.

Just as they hope to unite conservatives, Republicans are hoping the issue divides Democrats. Already the White House is eyeing the 10 Democratic senators up for reelection this fall in states that Trump overwhelmingly won in 2016 — and hoping to pressure them into supporting the nominee.

The greatest hope of Trump advisers is that a Supreme Court pick will dominate the news so much that it will not allow Democrats to talk about their vision for health care or the economy or taxes — or to present any positive, forward-looking message.

"There will be no Democratic messaging on jobs, the economy or health care that cuts through, as many will be focused on hypothetical culture wars that make suburban swing voters uneasy," Miller said.

*Eliana Johnson contributed to this report.*

*To view online [click here](#).*

[Back](#)

## **Cornyn: Supreme Court confirmation vote likely after Labor Day [Back](#)**

By Elana Schor | 06/28/2018 12:51 PM EDT

The second-ranked Senate GOP leader on Thursday suggested the Supreme Court confirmation vote to replace Anthony Kennedy would take place sometime in September, saying he "would be shocked" if the vote happened before Labor Day.

Majority Whip John Cornyn (R-Texas) added that he is "not opposed" to moving President Donald Trump's nominee more quickly, but he noted that background checks on Trump's still-unnamed pick are likely to take time.

Republicans have already [made clear](#) that they don't plan to heed Democratic calls for a delay in the Supreme Court confirmation until after November's election to give midterm voters a chance to weigh in.

Supreme Court nominees since the Ford administration spent an average of 67 days between their nomination and final confirmation, according to a 2015 report from the Congressional Research Service — a window that Cornyn told reporters he "would endorse" as a goal. Of course, that figure doesn't include President Barack Obama's Supreme Court nominee, Merrick Garland, whom Republicans blocked and denied a confirmation hearing in 2016.

Republican senators anticipate dedicating much of August to passing appropriations bills, meaning that a final Supreme Court vote would wait until September. The high court's next term is set to begin on the first Monday of October.

Senate Judiciary Chairman Chuck Grassley (R-Iowa), however, declined to commit to any timetable.

"Everything is going to be judged by when the president makes an appointment and what [Majority Leader Mitch] McConnell wants to schedule," Grassley said. At this point, it's all speculation. And there's no point in speculating."



Cornyn also cautioned Trump against selecting any nominee with a publicly stated position on overturning court precedents such as *Roe v. Wade*.

"I think that would be a terrible mistake, for the president to nominate somebody who had that sort of agenda," Cornyn told reporters, adding that "we don't need judges who have either personal or political or ideological agendas, in my view. And I think that ought to comfort all of us."

It's common for presidents of both parties to avoid picking a nominee with a lengthy paper trail for opponents to seize on, though Trump has previously said he would want to appoint anti-abortion judges to the high court.

One member of Trump's Supreme Court shortlist, Sen. Mike Lee (R-Utah), has championed anti-abortion legislation, although he suggested Thursday that *Roe* might be safer after Kennedy's retirement than some on the left have argued.

*Burgess Everett contributed to this report.*

*To view online [click here](#).*

[Back](#)

## **Senate passes farm bill with flood insurance extension [Back](#)**

By Zachary Warmbrodt | 06/28/2018 06:09 PM EDT

The Senate today passed a farm bill, [H.R. 2 \(115\)](#), that includes a provision reauthorizing the National Flood Insurance Program before it expires in the middle of hurricane season — a victory for coastal lawmakers.

But with time running out before the program's July 31 expiration date, and the enactment of the farm bill not a sure bet by then, senators are already looking at other vehicles to attach a short-term extension.

[John Kennedy](#) (R-La.) said he's looking at an upcoming FAA bill. Kennedy and [Bill Cassidy](#) (R-La.) pushed for the six-month reauthorization in the farm bill this week, and they've also introduced the extension as stand-alone legislation.

"We're not going to let this program expire," Kennedy said. "If lightning strikes and we get a [long-term] reform bill by the 31st, that would be great. But it's not likely to happen."

*To view online [click here](#).*

[Back](#)

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<u><a href="#">Yes, very</a></u>	<u><a href="#">Somewhat</a></u>	<u><a href="#">Neutral</a></u>	<u><a href="#">Not really</a></u>	<u><a href="#">Not at all</a></u>

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This email was sent to [daniell.kelsi@epa.gov](mailto:daniell.kelsi@epa.gov) by: POLITICO, LLC 1000 Wilson Blvd.  
Arlington, VA, 22209, USA

---

**To:** Chancellor, Erin[chancellor.erin@epa.gov]  
**Cc:** Kunder, Kelly[kunder.kelly@epa.gov]  
**From:** Bennett, Tate  
**Sent:** Mon 6/25/2018 4:43:37 PM  
**Subject:** Re: John Meyer

Please call. I'm just now realizing it's important to have either him there in person or Erin potentially dial in. In person is best. Sorry for the fire drill.

On Jun 25, 2018, at 11:34 AM, Chancellor, Erin <[chancellor.erin@epa.gov](mailto:chancellor.erin@epa.gov)> wrote:

If y'all need anything, holler!

Erin E. Chancellor

On Jun 25, 2018, at 12:25 PM, Kunder, Kelly <[kunder.kelly@epa.gov](mailto:kunder.kelly@epa.gov)> wrote:

He is getting into town early to run through the route. He said he can be there at 2:30, therefore, I assume he can come 30 minutes sooner if we ask.  
Please let me know if you'd like me to give him a call.

Sent from my iPhone

On Jun 25, 2018, at 11:24 AM, Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)> wrote:

Do you know when he get's into town? He might need to come to the DEQ meeting to discuss tar creek at 2 PM...if he can make it. Thoughts?

Sent from my iPad

**Cc:** Chancellor, Erin[chancellor.erin@epa.gov]  
**To:** Kunding, Kelly[kunding.kelly@epa.gov]  
**From:** Bennett, Tate  
**Sent:** Mon 6/25/2018 4:24:12 PM  
**Subject:** John Meyer

Do you know when he get's into town? He might need to come to the DEQ meeting to discuss tar creek at 2 PM...if he can make it. Thoughts?

Sent from my iPad

**To:** Beach, Christopher[[beach.christopher@epa.gov](mailto:beach.christopher@epa.gov)]  
**From:** Bennett, Tate  
**Sent:** Sun 6/24/2018 2:54:54 PM  
**Subject:** Re: Touching base regarding Monday

It's the same thing

On Jun 24, 2018, at 9:06 AM, Beach, Christopher <[beach.christopher@epa.gov](mailto:beach.christopher@epa.gov)> wrote:

So are there two events – one CCR and then this one?

**From:** Bennett, Tate  
**Sent:** Friday, June 22, 2018 6:17 PM  
**To:** Beach, Christopher <[beach.christopher@epa.gov](mailto:beach.christopher@epa.gov)>  
**Subject:** Fwd: Touching base regarding Monday

2 pm on Monday!

Begin forwarded message:

**From:** Michelle Wynn <[Michelle.Wynn@deq.ok.gov](mailto:Michelle.Wynn@deq.ok.gov)>  
**Date:** June 22, 2018 at 5:44:09 PM EDT  
**To:** "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** "Kundinger, Kelly" <[kundinger.kelly@epa.gov](mailto:kundinger.kelly@epa.gov)>  
**Subject:** RE: Touching base regarding Monday

Thank you again for allowing us to host the Administrator and your team. Please let me know if you have any questions. -MW

2 pm meeting attendees –

Scott Thompson, Executive Director

Kelly Dixon, Land Protection Division Director

Lloyd Kirk, External Affairs Division Director

Shellie Chard, Water Quality Division Director

Chris Armstrong, State Environmental Laboratory Division Director

Rob Singletary, General Counsel

Michelle Wynn, Legislative Liaison

\*Tentative; Erin Hatfield, Director of Communications

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- PFOS/PFOA
- Superfund (in general, plus Eagle Industries, Tar Creek, Wilcox sites)
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- FACT team, including tribes, USDA, DWSRF and state funding projects
- Importance of building drought resiliency into drinking water systems in response to drought, shifting population, expanding water demanding industries

## **Michelle Wynn**

### ***Legislative Liaison***

#### **Oklahoma Department of Environmental Quality**

707 N Robinson, PO Box 1677

Oklahoma City, OK 73101

405.702.7163 office phone

Ex. 6 - Personal Privacy mobile phone

[michelle.wynn@deq.ok.gov](mailto:michelle.wynn@deq.ok.gov)

**From:** Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]  
**Sent:** Friday, June 22, 2018 1:21 PM  
**To:** Michelle Wynn  
**Cc:** Kunding, Kelly  
**Subject:** Re: Touching base regarding Monday

Copying Kelly who will have those answers but perhaps Scott can ride in the Admin's car?

On Jun 22, 2018, at 12:39 PM, Michelle Wynn <[Michelle.Wynn@deq.ok.gov](mailto:Michelle.Wynn@deq.ok.gov)> wrote:

Tate -

Sorry to change direction on you, but I will be doing the coordination on our end now. Fenton was involved when we were going to tour the alternative site, so now it's just going thru extra steps. This way you and I can have direct contact and go from there.

The meeting at our office for 2 PM is all locked in. As for the windshield tour, are you all arranging that part? I know, our director, Scott Thompson would like to join you on that part if possible. We can do the rest according to availability of room, we can also provide vehicles as needed.

Looking forward to having administrative Pruitt visit with us here in Oklahoma. Please let me know what else I can do to be of help.

Michelle Wynn

DEQ - Legislative Liaison

405-702-7163 Office

Ex. 6 - Personal Privacy Mobile

Begin forwarded message:

**From:** Skylar McElhaney <Skylar.McElhaney@deq.ok.gov>  
**Date:** June 22, 2018 at 11:33:17 AM CDT  
**To:** Michelle Wynn <Michelle.Wynn@deq.ok.gov>  
**Subject:** Fwd: Touching base regarding Monday

Skylar McElhaney

Department of Environmental Quality

(405) 702-7167 Office

Ex. 6 - Personal Privacy Cell

Begin forwarded message:

**From:** "Bennett, Tate" <Bennett.Tate@epa.gov>  
**Date:** June 22, 2018 at 11:32:12 AM CDT  
**To:** Fenton Rood <Fenton.Rood@deq.ok.gov>  
**Cc:** "Jackson, Ryan" <jackson.ryan@epa.gov>, "Kundinger, Kelly" <kundinger.kelly@epa.gov>, Skylar McElhaney <Skylar.McElhaney@deq.ok.gov>  
**Subject:** RE: Touching base regarding Monday

This agenda is great. Let's lock it in for 2 PM. Also, I wanted to let you know the Admin will be doing a quick tour of Eagle Industries as well as a windshield tour of the following after our meeting. Let me know if you have any interest in participating in this part as well. No pressure either way.

#### Oklahoma City

- Eagle Industries – Just east of Oklahoma City
- Fourth Street Abandoned Refinery – east/central Oklahoma City
- Mosley Road Sanitary Landfill – NE Oklahoma City
- Tinker Air Force Base – SE Oklahoma City



**From:** Fenton Rood [<mailto:Fenton.Rood@deq.ok.gov>]  
**Sent:** Friday, June 22, 2018 11:22 AM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>; Skylar McElhaney <[Skylar.McElhaney@deq.ok.gov](mailto:Skylar.McElhaney@deq.ok.gov)>  
**Subject:** RE: Touching base regarding Monday

Proposed attendees:

Scott Thompson, Executive Director

Kelly Dixon, Land Protection Division

Lloyd Kirk, External Affairs

Shellie Chard, Water Quality

Michelle Wynn, Legislative Liaison

Erin Hatfield, Public Information Officer

Chris Armstrong, State Environmental Laboratory

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**From:** Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]  
**Sent:** Thursday, June 21, 2018 4:13 PM  
**To:** Fenton Rood  
**Cc:** Jackson, Ryan; Kunding, Kelly  
**Subject:** Touching base regarding Monday

Fenton-

This is to confirm Pruitt's meeting with the director and division directors at 2 PM next Monday. Thanks again for your help. My cell is Ex. 6 - Personal Privacy if you need anything. I have also copied Kelly Kunding with our advance team who will reach out about a security walk through in advance. Also, do you mind sending me an attendee list when you have one?

OK DEQ

707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental  
Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)

**To:** Samuel DeMarco III[sdemarco3@icloud.com]  
**From:** Bennett, Tate  
**Sent:** Wed 11/1/2017 9:03:00 PM  
**Subject:** RE: PG Reader: Mismanagement, conflicted leadership blamed for governance problems at PWSA

Thank you!

-----Original Message-----

From: Samuel DeMarco III [mailto:sdemarco3@icloud.com]  
Sent: Wednesday, November 1, 2017 3:16 PM  
To: Bennett, Tate <Bennett.Tate@epa.gov>  
Subject: PG Reader: Mismanagement, conflicted leadership blamed for governance problems at PWSA

FYI - Today's paper

Mismanagement, conflicted leadership blamed for governance problems at PWSA

By: By Adam Smeltz / Pittsburgh Post-Gazette

Description: Problems — ranging from lead contamination to inaccurate bills — prompted state Auditor General Eugene DePasquale to investigate.

(Sent from PG Reader)

Link to this article:

<http://www.post-gazette.com/local/city/2017/11/01/PWSA-audit-mismanagement-conflicted-leadership-DePasquale/stories/201711010131>

Sent from my iPad

**To:** Beach, Christopher[beach.christopher@epa.gov]  
**From:** Bennett, Tate  
**Sent:** Fri 6/22/2018 10:16:52 PM  
**Subject:** Fwd: Touching base regarding Monday

2 pm on Monday!

Begin forwarded message:

**From:** Michelle Wynn <[Michelle.Wynn@deq.ok.gov](mailto:Michelle.Wynn@deq.ok.gov)>  
**Date:** June 22, 2018 at 5:44:09 PM EDT  
**To:** "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** "Kundinger, Kelly" <[kundinger.kelly@epa.gov](mailto:kundinger.kelly@epa.gov)>  
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Shellie Chard, Water Quality Division Director

Chris Armstrong, State Environmental Laboratory Division Director

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Michelle Wynn, Legislative Liaison

\*Tentative; Erin Hatfield, Director of Communications

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## **Michelle Wynn**

### ***Legislative Liaison***

#### **Oklahoma Department of Environmental Quality**

707 N Robinson, PO Box 1677

Oklahoma City, OK 73101

405.702.7163 office phone

Ex. 6 - Personal Privacy mobile phone

[michelle.wynn@deq.ok.gov](mailto:michelle.wynn@deq.ok.gov)

**From:** Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]

**Sent:** Friday, June 22, 2018 1:21 PM

**To:** Michelle Wynn

**Cc:** Kunderinger, Kelly

**Subject:** Re: Touching base regarding Monday

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DEQ - Legislative Liaison

405-702-7163 Office

Ex. 6 - Personal Privacy

 Mobile

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Skylar McElhaney

Department of Environmental Quality

(405) 702-7167 Office

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**From:** "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Date:** June 22, 2018 at 11:32:12 AM CDT  
**To:** Fenton Rood <[Fenton.Rood@deq.ok.gov](mailto:Fenton.Rood@deq.ok.gov)>  
**Cc:** "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>, "Kundinger, Kelly" <[kundinger.kelly@epa.gov](mailto:kundinger.kelly@epa.gov)>, Skylar McElhaney <[Skylar.McElhaney@deq.ok.gov](mailto:Skylar.McElhaney@deq.ok.gov)>  
**Subject:** RE: Touching base regarding Monday

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- Tinker Air Force Base – SE Oklahoma City

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**Sent:** Friday, June 22, 2018 11:22 AM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Kundinger, Kelly <[kundinger.kelly@epa.gov](mailto:kundinger.kelly@epa.gov)>; Skylar McElhaney <[Skylar.McElhaney@deq.ok.gov](mailto:Skylar.McElhaney@deq.ok.gov)>  
**Subject:** RE: Touching base regarding Monday



Proposed attendees:

Scott Thompson, Executive Director

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Lloyd Kirk, External Affairs

Shellie Chard, Water Quality

Michelle Wynn, Legislative Liaison

Erin Hatfield, Public Information Officer

Chris Armstrong, State Environmental Laboratory

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**From:** Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]  
**Sent:** Thursday, June 21, 2018 4:13 PM  
**To:** Fenton Rood  
**Cc:** Jackson, Ryan; Kunding, Kelly  
**Subject:** Touching base regarding Monday

Fenton-

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OK DEQ

707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental  
Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)

**To:** Chancellor, Erin[chancellor.erin@epa.gov]  
**Cc:** Beck, Nancy[Beck.Nancy@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]  
**From:** Bennett, Tate  
**Sent:** Fri 6/22/2018 9:50:32 PM  
**Subject:** Re: Touching base regarding Monday

Thanks!

On Jun 22, 2018, at 12:13 PM, Chancellor, Erin <[chancellor.erin@epa.gov](mailto:chancellor.erin@epa.gov)> wrote:

If needed, here are the points from senior staff merged with the key messaging for the community engagement events.

**Erin E. Chancellor**

Counsel to the Administrator

U.S. Environmental Protection Agency

(202) 566-1757 (office)

Ex. 6 - Personal Privacy

 (cell)

[chancellor.erin@epa.gov](mailto:chancellor.erin@epa.gov)

**From:** Beck, Nancy  
**Sent:** Friday, June 22, 2018 11:58 AM  
**To:** Chancellor, Erin <[chancellor.erin@epa.gov](mailto:chancellor.erin@epa.gov)>; Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>  
**Subject:** RE: Touching base regarding Monday

There are general PFOS talkers somewhere, OW had the lead.

Looping in Lincoln who should have them.

Nancy B. Beck, Ph.D., DABT

Deputy Assistant Administrator, OCSPP

P: 202-564-1273

M: Ex. 6 - Personal Privacy

[beck.nancy@epa.gov](mailto:beck.nancy@epa.gov)

**From:** Chancellor, Erin

**Sent:** Friday, June 22, 2018 11:29 AM

**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>; Beck, Nancy <[Beck.Nancy@epa.gov](mailto:Beck.Nancy@epa.gov)>

**Subject:** RE: Touching base regarding Monday

Will do on Tar Creek!

**Erin E. Chancellor**

Counsel to the Administrator

U.S. Environmental Protection Agency

(202) 566-1757 (office)

Ex. 6 - Personal Privacy (cell)

[chancellor.erin@epa.gov](mailto:chancellor.erin@epa.gov)

**From:** Bennett, Tate

**Sent:** Friday, June 22, 2018 11:24 AM

**To:** Chancellor, Erin <[chancellor.erin@epa.gov](mailto:chancellor.erin@epa.gov)>; Beck, Nancy <[Beck.Nancy@epa.gov](mailto:Beck.Nancy@epa.gov)>

**Subject:** FW: Touching base regarding Monday

Don't kill me! Do you have any talkers on tar creek? Nancy, do you have anything on PFOS in general? This is for Monday. Last min trip!

**From:** Fenton Rood [<mailto:Fenton.Rood@deq.ok.gov>]  
**Sent:** Friday, June 22, 2018 11:22 AM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>; Skylar McElhaney <[Skylar.McElhaney@deq.ok.gov](mailto:Skylar.McElhaney@deq.ok.gov)>  
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**Cc:** Jackson, Ryan; Kunding, Kelly  
**Subject:** Touching base regarding Monday

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707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

Bennett.Tate@epa.gov

<PFAS Update.docx>

**To:** Chancellor, Erin[chancellor.erin@epa.gov]  
**From:** Bennett, Tate  
**Sent:** Fri 6/22/2018 8:05:03 PM  
**Subject:** RE: Touching base regarding Monday

Thank you! Sending to Lincoln

**From:** Chancellor, Erin  
**Sent:** Friday, June 22, 2018 4:04 PM  
**To:** Bennett, Tate <Bennett.Tate@epa.gov>  
**Subject:** RE: Touching base regarding Monday

Tar Creek talkers attached. I know it's 2 pages BUT the first section (highlights) is the main part for him. John Meyers know all about the site, too. If you need anything else, please let me know.

Thanks,

**Erin E. Chancellor**

Counsel to the Administrator

U.S. Environmental Protection Agency

(202) 566-1757 (office)

Ex. 6 - Personal Privacy

[chancellor.erin@epa.gov](mailto:chancellor.erin@epa.gov)

**From:** Bennett, Tate  
**Sent:** Friday, June 22, 2018 11:24 AM  
**To:** Chancellor, Erin <[chancellor.erin@epa.gov](mailto:chancellor.erin@epa.gov)>; Beck, Nancy <[Beck.Nancy@epa.gov](mailto:Beck.Nancy@epa.gov)>  
**Subject:** FW: Touching base regarding Monday



Don't kill me! Do you have any talkers on tar creek? Nancy, do you have anything on PFOS in general? This is for Monday. Last min trip!

**From:** Fenton Rood [<mailto:Fenton.Rood@deq.ok.gov>]

**Sent:** Friday, June 22, 2018 11:22 AM

**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>

**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>; Skylar McElhaney <[Skylar.McElhaney@deq.ok.gov](mailto:Skylar.McElhaney@deq.ok.gov)>

**Subject:** RE: Touching base regarding Monday

Proposed attendees:

Scott Thompson, Executive Director

Kelly Dixon, Land Protection Division

Lloyd Kirk, External Affairs

Shellie Chard, Water Quality

Michelle Wynn, Legislative Liaison

Erin Hatfield, Public Information Officer

Chris Armstrong, State Environmental Laboratory

Proposed Topics:

- PFOS/PFOA
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- Water loss audits (our program that helps water systems save water and money)

- FACT team, including tribes, USDA, DWSRF and state funding projects
- Importance of building drought resiliency into drinking water systems in response to drought, shifting population, expanding water demanding industries

**From:** Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]  
**Sent:** Thursday, June 21, 2018 4:13 PM  
**To:** Fenton Rood  
**Cc:** Jackson, Ryan; Kunding, Kelly  
**Subject:** Touching base regarding Monday

Fenton-

This is to confirm Pruitt's meeting with the director and division directors at 2 PM next Monday. Thanks again for your help. My cell is Ex. 6 - Personal Privacy if you need anything. I have also copied Kelly Kunding with our advance team who will reach out about a security walk through in advance. Also, do you mind sending me an attendee list when you have one?

OK DEQ

707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

Bennett.Tate@epa.gov

**To:** Michelle Wynn[Michelle.Wynn@deq.ok.gov]  
**Cc:** Kundinger, Kelly[kundinger.kelly@epa.gov]  
**From:** Bennett, Tate  
**Sent:** Fri 6/22/2018 6:21:22 PM  
**Subject:** Re: Touching base regarding Monday

Copying Kelly who will have those answers but perhaps Scott can ride in the Admin's car?

On Jun 22, 2018, at 12:39 PM, Michelle Wynn <Michelle.Wynn@deq.ok.gov> wrote:

Tate -

Sorry to change direction on you, but I will be doing the coordination on our end now. Fenton was involved when we were going to tour the alternative site, so now it's just going thru extra steps. This way you and I can have direct contact and go from there.

The meeting at our office for 2 PM is all locked in. As for the windshield tour, are you all arranging that part? I know, our director, Scott Thompson would like to join you on that part if possible. We can do the rest according to availability of room, we can also provide vehicles as needed.

Looking forward to having administrative Pruitt visit with us here in Oklahoma. Please let me know what else I can do to be of help.

Michelle Wynn  
DEQ - Legislative Liaison  
405-702-7163 Office

Ex. 6 - Personal Privacy

Begin forwarded message:

**From:** Skylar McElhaney <Skylar.McElhaney@deq.ok.gov>  
**Date:** June 22, 2018 at 11:33:17 AM CDT  
**To:** Michelle Wynn <Michelle.Wynn@deq.ok.gov>  
**Subject:** Fwd: Touching base regarding Monday

Skylar McElhaney  
Department of Environmental Quality  
(405) 702-7167 Office

Ex. 6 - Personal Privacy

Begin forwarded message:

**From:** "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Date:** June 22, 2018 at 11:32:12 AM CDT  
**To:** Fenton Rood <[Fenton.Rood@deq.ok.gov](mailto:Fenton.Rood@deq.ok.gov)>  
**Cc:** "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>, "Kundinger, Kelly" <[kundinger.kelly@epa.gov](mailto:kundinger.kelly@epa.gov)>, Skylar McElhaney <[Skylar.McElhaney@deq.ok.gov](mailto:Skylar.McElhaney@deq.ok.gov)>  
**Subject:** RE: Touching base regarding Monday

This agenda is great. Let's lock it in for 2 PM. Also, I wanted to let you know the Admin will be doing a quick tour of Eagle Industries as well as a windshield tour of the following after our meeting. Let me know if you have any interest in participating in this part as well. No pressure either way.

#### Oklahoma City

- [Eagle Industries](#) – Just east of Oklahoma City
- [Fourth Street Abandoned Refinery](#) – east/central Oklahoma City
- [Mosley Road Sanitary Landfill](#) – NE Oklahoma City
- [Tinker Air Force Base](#) – SE Oklahoma City

**From:** Fenton Rood [<mailto:Fenton.Rood@deq.ok.gov>]  
**Sent:** Friday, June 22, 2018 11:22 AM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Kundinger, Kelly <[kundinger.kelly@epa.gov](mailto:kundinger.kelly@epa.gov)>; Skylar McElhaney <[Skylar.McElhaney@deq.ok.gov](mailto:Skylar.McElhaney@deq.ok.gov)>  
**Subject:** RE: Touching base regarding Monday

Proposed attendees:

Scott Thompson, Executive Director

Kelly Dixon, Land Protection Division

Lloyd Kirk, External Affairs

Shellie Chard, Water Quality

Michelle Wynn, Legislative Liaison

Erin Hatfield, Public Information Officer

Chris Armstrong, State Environmental Laboratory

Proposed Topics:

- PFOS/PFOA
- Superfund (in general and Eagle Industries, Tar Creek, Wilcox)
- RCRA (Macy's SEP was a positive)
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- FACT team, including tribes, USDA, DWSRF and state funding projects
- Importance of building drought resiliency into drinking water systems in response to drought, shifting population, expanding water demanding industries

**From:** Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]  
**Sent:** Thursday, June 21, 2018 4:13 PM  
**To:** Fenton Rood  
**Cc:** Jackson, Ryan; Kunding, Kelly  
**Subject:** Touching base regarding Monday

Fenton-

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OK DEQ

707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental  
Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)

**To:** Fenton Rood[Fenton.Rood@deq.ok.gov]  
**Cc:** Jackson, Ryan[jackson.ryan@epa.gov]; Kunding, Kelly[kunding.kelly@epa.gov]; Skylar McElhaney[Skylar.McElhaney@deq.ok.gov]  
**From:** Bennett, Tate  
**Sent:** Fri 6/22/2018 4:32:13 PM  
**Subject:** RE: Touching base regarding Monday

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**To:** Chancellor, Erin[chancellor.erin@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]  
**Cc:** Ferguson, Lincoln[ferguson.lincoln@epa.gov]  
**From:** Bennett, Tate  
**Sent:** Fri 6/22/2018 4:26:28 PM  
**Subject:** RE: Touching base regarding Monday

Thank you kindly.

**From:** Chancellor, Erin  
**Sent:** Friday, June 22, 2018 12:13 PM  
**To:** Beck, Nancy <Beck.Nancy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>  
**Cc:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Subject:** RE: Touching base regarding Monday

If needed, here are the points from senior staff merged with the key messaging for the community engagement events.

**Erin E. Chancellor**

Counsel to the Administrator

U.S. Environmental Protection Agency

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There are general PFOS talkers somewhere, OW had the lead.

Looping in Lincoln who should have them.

---

Nancy B. Beck, Ph.D., DABT

Deputy Assistant Administrator, OCSPP

P: 202-564-1273

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[beck.nancy@epa.gov](mailto:beck.nancy@epa.gov)

**From:** Chancellor, Erin

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Will do on Tar Creek!

**Erin E. Chancellor**

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**From:** Bennett, Tate  
**Sent:** Fri 6/22/2018 4:17:36 PM  
**Subject:** Re: Touching base regarding Monday

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Associate Administrator for Public Engagement & Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

Bennett.Tate@epa.gov

<PFAS Update.docx>

**To:** Morris, Madeline[morris.madeline@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Boats, Brian[boats.brian@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Caldwell, James[Caldwell.James@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Dickerson, Aaron[dickerson.aaron@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Hale, Michelle[hale.michelle@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]; Hupp, Sydney[hupp.sydney@epa.gov]; Jackson, Jennifer L.[Jackson.Jennifer@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Konkus, John[konkus.john@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Mickle, John[Mickle.John@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Perrotta, Pasquale[Perrotta.Pasquale@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Smith, Chris-L[Smith.Chris-L@epa.gov]; Su, Wendy[su.wendy@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Willis, Sharnett[Willis.Sharnett@epa.gov]; Woodward, Cheryl[Woodward.Cheryl@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Mon 7/10/2017 11:50:50 AM  
**Subject:** RE: [image2017-07-09-200530.pdf](#)

I also wanted to ensure the weeklies prepared by each of the program offices and regions are being circulated on Fridays.

**From:** Morris, Madeline

**Sent:** Friday, July 7, 2017 5:28 PM

**To:** Baptist, Erik <baptist.erik@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Boats, Brian <boats.brian@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Caldwell, James <Caldwell.James@epa.gov>; Chmielewski, Kevin <chmielewski.kevin@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Hale, Michelle <hale.michelle@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Hupp, Sydney <hupp.sydney@epa.gov>; Jackson, Jennifer L. <Jackson.Jennifer@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert

<kelly.albert@epa.gov>; Konkus, John <konkus.john@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Mickle, John <Mickle.John@epa.gov>; Morris, Madeline <morris.madeline@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Perrotta, Pasquale <Perrotta.Pasquale@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Smith, Chris-L <Smith.Chris-L@epa.gov>; Su, Wendy <su.wendy@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Willis, Sharnett <Willis.Sharnett@epa.gov>; Woodward, Cheryl <Woodward.Cheryl@epa.gov>; Yamada, Richard (Yujiro) <yamada.richard@epa.gov>

**Subject:**

Hope everyone has a good weekend.

See you bright and early on Monday Morning for the CoS Meeting

**Madeline Morris** Executive Scheduler | Office of the Administrator | direct: 202-564-

0844 | Ex. 6 - Personal Privacy

# **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**



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# **Ex. 5 - Deliberative Process**

## **Tar Creek Superfund Site, Ottawa County, Oklahoma**

Region 6 will conduct sampling for lead at the Tar Creek Superfund site, Operable Unit 5 in Ottawa County, OK. Data will fill data gaps related to characterization of and potential risk related to sediment and surface water within the Tristate Watershed; an area of 7 watersheds that covers approximately 437 square miles and 119 river miles. On July 13, the Oklahoma Department of Environmental Quality will sponsor a "Media Day" at the Tar Creek Site.

# **Ex. 5 - Deliberative Process**

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**To:** Abboud, Michael[abboud.michael@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Darwin, Henry[darwin.henry@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Hale, Michelle[hale.michelle@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Konkus, John[konkus.john@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Morris, Madeline[morris.madeline@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]  
**From:** Morris, Madeline  
**Sent:** Mon 7/31/2017 2:07:44 PM  
**Subject:** Regional Update  
[image2017-07-30-201343.pdf](#)

For those who missed it on Friday, here is the update Ryan was talking about at today's meeting.

**Madeline Morris** Executive Scheduler | Office of the Administrator | direct: Ex. 6 - Personal Privacy

**Ex. 6 - Personal Privacy**

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Tar Creek, Picher, Oklahoma

EPA intends to continue field sampling to fill data gaps related to characterization of and potential risk related to sediment and surface water within the Tristate Watershed investigation area. The sampling is being accomplished through joint coordination and cooperation with Region 7; the states of Oklahoma, Missouri and Kansas; the Quapaw, Peoria, Ottawa, Miami, Eastern Shawnee, Wyandotte, Seneca-Cayuga, and Cherokee tribes; and other federal and state agencies (U.S. Fish and Wildlife, U.S. Geological Survey, Oklahoma Department of Wildlife). The Quapaw Tribe Environmental Office will continue source material excavation at Distal 10 and hauling to the central repository. Site preparation (i.e., grubbing, haul roads) will continue at Distal 12. The Quapaw Tribe Environmental Office will continue confirmation sampling at Distal 10, under cooperative agreements with the EPA. The Oklahoma Department of Environmental Quality will continue the remedial action work at Beaver Creek under a cooperative agreement with the EPA. The ODEQ will also continue the preparation of the Operable Unit (OU) 2 (Residential) Commerce remedial action work plan and cost estimate, and continue planning for the public meeting currently scheduled for August 15, 2017.

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**To:** Bennett, Tate[Bennett.Tate@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]  
**From:** Ford, Hayley  
**Sent:** Wed 12/13/2017 9:27:05 PM  
**Subject:** FW: [image2017-12-13-162405.pdf](#)

OCIR may have already received a copy of this. We received this the day we took this action, but just wanted to make sure you had a copy.

## Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator

Environmental Protection Agency

[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)

Phone: 202-564-2022

Cell: Ex. 6 - Personal Privacy

**From:** DC-WJCS-3000-M@epa.gov [mailto:DC-WJCS-3000-M@epa.gov]  
**Sent:** Wednesday, December 13, 2017 4:24 PM  
**To:** Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>  
**Subject:**

November 29, 2017

SENT VIA FEDEX (OVERNIGHT)

The Honorable Scott Pruitt, Administrator  
United States Environmental Protection Agency  
~~1747 Pennsylvania Avenue, NW~~ WJC NORTH  
~~Suite 800 1200 PENNSYLVANIA AVE, NW~~  
Washington, DC ~~20006~~ 20004

Dear Administrator Pruitt:

As the chief legal officers of our respective states, we write today to urge the United States Environmental Protection Agency ("EPA") to publish a "no action" decision on the proposed rule entitled "Financial Responsibility Requirements Under CERCLA 108(b) for Classes of Facilities in the Hardrock Mining Industry," 82 Fed. Reg. § 3388 (Jan. 11, 2017) by the upcoming December 1, 2017 court ordered deadline. In short, the proposed rule amounts to unlawful executive overreach and is precisely the sort of unnecessary, duplicative, and punitive regulation that President Trump has committed to curtailing.

For many of the undersigned states, the mining sector is a key employer and revenue generator. However, all of the undersigned states care about federalism, the rule of law, and unnecessary economic burdens. According to EPA's own Regulatory Impact Analysis, this regulation, if adopted, would impose an estimated \$7.1 billion in new financial obligations for affected facilities without creating any new or significant environmental protections. *See* 82 Fed. Reg. at 3392. Further, EPA's own figures suggest that facilities would incur annual costs of \$171 million. *See* 82 Fed. Reg. at 3393. Numerous stakeholders have warned that such excessive cost burdens will serve to discourage domestic mineral production and industry investment. As a result, indirectly increasing the United States's reliance on metals and minerals from foreign countries and negatively impacting the local economies of our states, which depend on high-paying mining industry jobs and tax revenue that the sector garners.

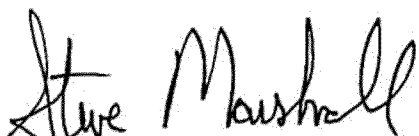
Additionally, the process by which the regulation was proposed was fundamentally flawed and is yet another disturbing example of EPA's failure to engage in required consultation with states at the rule development phase, a scenario with which we have, unfortunately, become all too accustomed over the past eight years. There is overwhelming evidence in the administrative record that the regulation is unnecessary, duplicative, and potentially impermissibly preempts state regulatory programs, including state mine bonding programs, which already effectively protect against the environmental risks underlying the § 108(b) proposal. Stakeholders ranging from state governors to mining companies to land management

The Honorable Scott Pruitt  
November 29, 2017  
Page 2

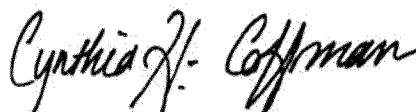
agencies emphasized that the EPA failed to adequately account for existing state and federal programs that have financial assurance components designed to ensure an operator's ability to cover the costs associated with releases or threatened releases of hazardous substances from their facilities at all phases of mining, including reclamation, closure, and post-closure.

The D.C. Circuit was clear in its consent decree that although final action on the financial assurance regulations must be taken by December 1, 2017, EPA may decide, based on the input of stakeholders during the comment period, not to issue a rule at all. *In re Idaho Conservation League*, 811 F.3d 502, 514 (D.C. Cir. 2016) (“[T]he proposed joint order ‘does not require EPA to promulgate a new, stricter rule.’ At most, it ‘merely requires that EPA conduct a rulemaking and then decide whether to promulgate a new rule — the content of which is not in any way dictated by the [proposed order on consent] . . . .’” (alteration in original) (emphasis omitted) (citation omitted)). Based on the foregoing and in the face of overwhelming evidence that the mining industry does not warrant a CERCLA § 108(b) program, we reiterate our request that EPA publish a notice of final action withdrawing the proposed rule.

Sincerely,



Steve Marshall  
Attorney General of Alabama



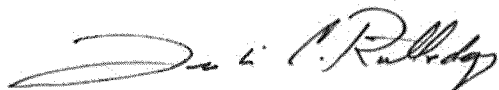
Cynthia H. Coffman  
Attorney General of Colorado



Mark Brnovich  
Attorney General of Arizona



Pam Bondi  
Attorney General of Florida




Leslie Rutledge  
Attorney General of Arkansas



Jeffrey M. Landry  
Attorney General of Louisiana

The Honorable Scott Pruitt  
November 29, 2017  
Page 3



Timothy C. Fox  
Attorney General of Montana



Marty J. Jackley  
Attorney General of South Dakota



Adam Paul Laxalt  
Attorney General of Nevada



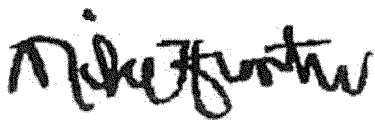
W. Kenneth Paxton, Jr.  
Attorney General of Texas



R. Michael DeWine  
Attorney General of Ohio



Sean D. Reyes  
Attorney General of Utah



Mike Hunter  
Attorney General of Oklahoma



Patrick J. Morrissey  
Attorney General of West Virginia



Alan M. Wilson  
Attorney General of South Carolina



Brad D. Schimel  
Attorney General of Wisconsin



The Honorable Scott Pruitt

November 29, 2017

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A handwritten signature in black ink, appearing to read "Peter K. Michael". The signature is fluid and cursive, with the first name "Peter" and last name "Michael" clearly distinguishable.

Peter K. Michael

Attorney General of Wyoming

Cc via US MAIL:

The Honorable Mick Mulvaney, Director  
Office of Management and Budget  
725 17<sup>th</sup> Street, NW  
Washington, DC 20503

Ms. Neomi Rao, Administrator  
Office of Information and Regulatory Affairs  
C/o: Office of Management and Budget  
725 17<sup>th</sup> Street, NW  
Washington, DC 20503

**To:** Morris, Madeline[morris.madeline@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Boats, Brian[boats.brian@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Caldwell, James[Caldwell.James@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Darwin, Henry[darwin.henry@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Dickerson, Aaron[dickerson.aaron@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Hale, Michelle[hale.michelle@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]; Hupp, Sydney[hupp.sydney@epa.gov]; Jackson, Jennifer L.[Jackson.Jennifer@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Konkus, John[konkus.john@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Mickle, John[Mickle.John@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Perrotta, Pasquale[Perrotta.Pasquale@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Smith, Chris-L[Smith.Chris-L@epa.gov]; Su, Wendy[su.wendy@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Willis, Sharnett[Willis.Sharnett@epa.gov]; Woodward, Cheryl[Woodward.Cheryl@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Fri 7/21/2017 11:40:45 PM  
**Subject:** RE: Daily Schedule  
[image2017-07-21-075549.pdf](#)

Attached is the weekly from the AA's and RA's.

**From:** Morris, Madeline

**Sent:** Friday, July 21, 2017 5:01 PM

**To:** Abboud, Michael <abboud.michael@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Boats, Brian <boats.brian@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Caldwell, James <Caldwell.James@epa.gov>; Chmielewski, Kevin <chmielewski.kevin@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Darwin, Henry <darwin.henry@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Hale, Michelle <hale.michelle@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Hupp, Sydney

<hupp.sydney@epa.gov>; Jackson, Jennifer L. <Jackson.Jennifer@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Konkus, John <konkus.john@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Mickle, John <Mickle.John@epa.gov>; Morris, Madeline <morris.madeline@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Perrotta, Pasquale <Perrotta.Pasquale@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Smith, Chris-L <Smith.Chris-L@epa.gov>; Su, Wendy <su.wendy@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Willis, Sharnett <Willis.Sharnett@epa.gov>; Woodward, Cheryl <Woodward.Cheryl@epa.gov>; Yamada, Richard (Yujiro) <yamada.richard@epa.gov>

**Subject:** Daily Schedule

I hope everyone has a good weekend. The Administrator is on travel next week except for Tuesday he will be here. Although he is not here on Monday, Ryan would still like to have the Chief of Staff meeting at 8:30am on Monday.

Let me know if you need anything!

**Madeline Morris** Executive Scheduler | Office of the Administrator | direct: 202-564-

0844 | cell: 202-579-4283

**To:** Bolen, Brittany[bolen.brittany@epa.gov]  
**From:** POLITICO Pro Energy  
**Sent:** Thur 4/26/2018 9:44:10 AM  
**Subject:** Morning Energy: Pruitt steps up to the plate — Tester's 'great equalizer' — Bishop still talking NEPA

By Kelsey Tamborrino | 04/26/2018 05:42 AM EDT

*With help from Anthony Adragna*

**PRUITT STEPS UP TO THE PLATE:** Scott Pruitt makes his eagerly anticipated trip to the Hill this morning, and the stakes couldn't be higher for the embattled EPA administrator. His appearances before the House E&C Committee in the morning and Appropriations panel in the afternoon — ostensibly to defend the Trump administration's proposed cuts to EPA's budget — will give lawmakers their first opportunity to directly question Pruitt since the news broke about his heavy spending, sweetheart condo rental, VIP security and first-class flights. And while both Democrats and Republicans are expected to pull no punches as they weigh Pruitt's behavior, the real audience will be sitting in 1600 Pennsylvania Ave.

**Check out this graphic breakdown** of Pruitt's problems by POLITICO's Emily Holden, Alex Guillén and your ME host.

— **The administrator has kept a low profile** in the lead-up to today's events — even leaving press out of a Tuesday announcement on his plan to ban secret science — but expect the cameras to be out in force this morning. ME breaks down what to expect today as Pruitt heads for the batter's box. (ME is also taking suggestions for an appropriate walk-up song. One option here.)

**THE GAME PLAN:** Pruitt will point out he now flies coach when he travels, and shift the blame to staffers for the raises given to two of his close aides, according to a talking points document — dubbed "hot topics" — obtained by The New York Times. He will likely also say officials who were reassigned or demoted after challenging his spending all had performance issues.

— **EPA did not dispute the authenticity** of the Times document, but spokesman Jahan Wilcox said Pruitt would tout "the accomplishments of President Trump's EPA," including "working to repeal Obama's Clean Power Plan and Waters of the United States, providing regulatory certainty, and declaring a war on lead — all while returning to Reagan-era staffing levels." You can read Pruitt's full opening statement for the E&C hearing here.

**DEMOCRATS WILL SEARCH FOR ANSWERS:** The afternoon session is expected to dive into Pruitt's proposed deep cuts to the agency's budget and his deregulatory actions, but that doesn't mean Democrats will ignore the ethics woes dogging the embattled chief. "Administrator Pruitt, you are letting the American people and your agency down," Rep. Betty McCollum, ranking member of the Appropriations subpanel, plans to say. Democrat Nita Lowey, the ranking House appropriator, will question Pruitt on the Antideficiency Act after the Government Accountability Office found EPA illegally failed to notify Congress about the cost of his secure phone booth. Meanwhile, E&C's top Democrat Frank Pallone wouldn't tip his hand: "I just hope

he shows up," he said when ME asked for his plan of attack.

— **House Energy and Commerce Democrats** will hold a news conference at 9 a.m. to once again call for Pruitt's ouster. Kathy Castor and Paul Tonko will attend, alongside representatives from numerous green groups.

**REPUBLICANS OFFER SOME ADVICE:** "Answer the questions and stay calm," John Shimkus said. "And the time will eventually end." The Illinois Republican didn't let on about his line of questions to Pruitt, but added: "It's not going to all be addressing stewardship issues. There are going to be policy questions."

— **Fellow Oklahoman and member of the Approps committee** Tom Cole expects the "highly charged" hearing to contain some "pretty much straight budget questions" — at least from the Republican side. Cole said he recently spoke to Pruitt on the upcoming hearing and warned him it would be "rugged."

**Keep in mind:** None of the committee Republicans said they'd been in contact with the White House ahead of the session. Shimkus said the Republicans hadn't huddled ahead of time to develop a game plan as they sometimes do with high-profile hearings. And Democrats are expected to turn out in force — E&C members not on the Environment subpanel will "waive in" to the hearing. They don't need GOP permission to do so, but will have to wait until all subcommittee members participate before asking questions. ME would look here for especially fiery questions or any surprises.

**STRIKE 3?** Pruitt's critical audience, of course, will be President Donald Trump, who has so far stuck by him, but is expected to judge how Pruitt fares in front of the cameras, POLITICO's Anthony Adragna and Nancy Cook report. So far, Pruitt's support among Trump's conservative backers has kept him on solid ground, despite the growing resentment of a "high maintenance" EPA chief among White House officials. "The president is always nervous about offending his base, and Pruitt has real support in the base," said one Republican close to the White House. "If that base diminishes, he does not have a chance of being reelected. He generally likes what Pruitt is doing over there, but he has no relationship with Pruitt of any note. He could get someone else."

**IN THE OUTFIELD:** Environmental group Defend Our Future will hand out first-class boarding passes today at the Pruitt hearing, while Moms Clean Air Force will deliver these report cards. And the League of Conservation Voters and its state partners will launch television ads today urging Sens. Dean Heller and Cory Gardner to hold Pruitt accountable. Watch them here and here.

**If you go:** The E&C hearing will begin at 10 a.m. in 2323 Rayburn, and the Appropriations hearing at 2 p.m. in 2007 Rayburn. Watch the livestreams here and here.

**IT'S THURSDAY!** I'm your host Kelsey Tamborrino, and the American Petroleum Institute's Jeff Stein was the first to name Khartoum, Sudan — the capital city where the Blue and White Niles meet to form the Nile. For today: Name the state where the first officially designated

Democratic floor leader hailed. Send your tips, energy gossip and comments to [ktamborrino@politico.com](mailto:ktamborrino@politico.com), or follow us on Twitter [@kelseytam](https://twitter.com/kelseytam), [@Morning\\_Energy](https://twitter.com/Morning_Energy) and [@POLITICOPro](https://twitter.com/POLITICOPro).

**POLITICO's Ben White is bringing Morning Money** to the Milken Institute Global Conference to provide coverage of the day's events and evening happenings. The newsletter will run April 29 - May 2. **Sign up to keep up with your daily conference coverage.**

**PUBLIC LANDS CRUCIAL FOR TESTER:** Democratic Sen. [Jon Tester](#)'s bid for reelection could come down to how he handles public lands issues, Pro's Kevin Robillard reports. Close to one-third of the land in Tester's home state of Montana is under federal government ownership, and the Democratic senator hopes to use it to keep on board those who voted Trump — including hunters, hikers, snowmobilers and ranchers. "Public lands is one of the great equalizers. It's part of who we are," Democratic Gov. Steve Bullock told Kevin. "It doesn't matter what our political beliefs are, it's a core part of our lives."

**Tester's strategy is part of a larger effort by Democrats** in the West to emphasize lands. Bullock emphasized it in his reelection bid in 2016 and New Mexico Sen. [Martin Heinrich](#), who is expected to easily win reelection in 2018, started his reelection bid with a video focused heavily on public lands issues. And Democratic strategists think it can help them in states throughout the interior west. "There a lot of people here who are single-issue voters, and that issue is public lands," said Nick Gevock, the conservation director at the Montana Wildlife Federation. Read [more](#).

**DEMOCRATS CALL FOR SPECIAL COUNSEL:** In a letter Wednesday to the U.S. Office of Special Counsel, Pallone and Oversight ranking member [Elijah Cummings](#) requested an investigation into whether there is a pattern of problematic personnel practices at EPA. The Democrats point to recent reports of agency officials being reassigned, demoted or requesting new roles, after voicing concerns on Pruitt. "The reassignment or dismissal of employees who questioned Administrator Pruitt's wasteful and potentially unlawful expenditures suggests a troubling pattern of retaliation against EPA employees that may be illegal," they write. Read the letter [here](#).

**BISHOP STILL TALKING NEPA:** House Natural Resources Chairman [Rob Bishop](#) told ME he's been in contact with administration officials "over the last few weeks" about a series of modifications to NEPA that he says "run the gamut." His two overarching goals are to speed the permitting process and to enact categorical exclusions that will limit litigation to allow projects to advance more quickly. "It's one of the consistent problems they recognize," he said of the administration's engagement on NEPA.

**Apples to oranges:** Controversy over [\\$139,000 spent on doors](#) at Interior is not comparable to spending woes engulfing Pruitt, according to Bishop. "There are some real issues and there are some issues that we play around with," he said. "This is one I think people are playing with." Interior officials said previously that career facilities and security officials recommended the work and that Secretary Ryan Zinke was not aware of it.

**THAT DAM BILL:** The House passed a heavily watched measure, [H.R. 3144 \(115\)](#), Wednesday that would override a court decision requiring changes in the operations of major hydropower dams in the Pacific Northwest to help protect endangered salmon. The measure, from Washington Rep. [Cathy McMorris Rodgers](#), passed by a nearly party-line vote of 225-189, and now heads to the Senate, where some of the region's Democratic senators have [made known](#) their opposition. Pro's Annie Snider breaks down more [here](#).

**REFINERY WORKERS HIT THE HILL:** Close to 100 workers from refineries Monroe Energy, Philadelphia Energy Solutions and PBF Energy will rally for their jobs and Renewable Fuel Standard reform on the Hill today, the United Steelworkers said. The rally begins at 1 p.m. in the "Senate Swamp" — the grass across the drive from the east Senate steps. Texas Sen. [Ted Cruz](#) will participate in a press conference with the workers at the same time. Watch the livestream [here](#).

**OFF-SHORE UP SUPPORT:** While it didn't have quite the same build-up as Pruitt's hearings this morning, the House Natural Resources energy and mineral resources subcommittee will hold a hearing today on offshore energy revenue sharing for Gulf-producing states, with a focus on the Gulf of Mexico Energy Security Act. Democrats intend to call out the oil and gas industry and demand they take responsibility for their role in causing the destruction of Louisiana wetlands, according to a release. Former Sen. Mary Landrieu (D-La.), now a senior policy adviser at Van Ness Feldman, and John Barry, former board member of the Southeast Louisiana Flood Protection Authority — East, will testify, among others. **If you go:** The [hearing](#) begins at 10 a.m. in 1324 Longworth.

**GET YOUR COMMENTS IN:** [Comments](#) are due today on EPA's proposed repeal of the Clean Power Plan. The Competitive Enterprise Institute, for one, will file a comment today in support of the proposed repeal, calling the CPP "unlawful." Close to 20 other individuals from free-market groups signed onto the joint comment. Google, meanwhile, submitted its own comment Wednesday "respectfully" urging EPA to forgo the repeal. "Google continues to believe that the Clean Power Plan aligns with overall electricity sector trends and the specific goals of our company," [it says](#). The Natural Resources Defense Council and NRDC Action Fund said it generated 208,000 comments in support of keeping the CPP.

**MAIL CALL! IN THE AIR TONIGHT:** California Sen. [Dianne Feinstein](#) wrote to Transportation Secretary Elaine Chao Wednesday, calling on her to maintain national fuel economy standards set by California under the Clean Air Act. "I ask for your commitment to maintain the Corporate Average Fuel Economy standards at the maximum feasible level, as required by law, and to seek consensus with California so that we can continue to enjoy the success of a coordinated national program to improve fuel economy," Feinstein wrote. Read the letter [here](#).

— **Eighty-seven lawmakers signed onto a letter Wednesday** that calls on Pruitt to reinstate the "once in, always in" [policy](#) to "safeguard" from harmful air pollutants. "This is a matter of critical human health and safety," the lawmakers write. Read it [here](#).

**GoT RENEWABLES?** Rapper Kanye West [tweeted](#) about his connection to Trump and their

"dragon energy" on Wednesday. "We are both dragon energy. He is my brother. I love everyone. I don't agree with everything anyone does." Spoiler: It's not an energy company we forgot to tell you about. Bloomberg breaks it down [here](#), but earlier in the day, West described dragon energy as, "Natural born leaders Very instinctive Great foresight." The House Natural Resources [account tweeted](#) the exchange telling West to "have your people call our people."

## QUICK HITS

- Behind the scenes of Pruitt's Nevada trip, [E&E News](#).
- U.S. mine safety agency website 'hacked,' remains down, [S&P Global](#).
- Exxon Mobil boosts quarterly dividend to 82 cents, [Reuters](#).
- Climate change could make thousands of tropical islands "uninhabitable" in coming decades, new study says, [The Washington Post](#).
- Memo: Park Police officers were forbidden from wearing body cameras, [The Hill](#).
- Perry's son owns an energy investment company. Is that a problem? [McClatchy](#).

## HAPPENING TODAY

8:00 a.m. — Water Leaders [summit](#) on "Building an Innovative Future for Water Policy and Technology in America," 215 Capitol Visitors Center

8:30 a.m. — George Mason University's Center for Energy Science and Policy [symposium](#) on "Energy-Water Nexus," Fairfax, Va.

9:00 a.m. — Colorado State University hosts [symposium](#) on "Water in the West," Denver

10:00 a.m. — The U.S. Energy Association [forum](#) on "fostering the deployment of CCUS technologies," 1300 Pennsylvania Ave NW

10:00 a.m. — The House Energy and Commerce Committee [hearing](#) on EPA's budget request, 2323 Rayburn

10:00 a.m. — House Science Environment and Space subcommittees [hearing](#) on "Surveying the Space Weather Landscape," 2318 Rayburn

10:00 a.m. — House Natural Resources Oversight Subcommittee [hearing](#) on "Examining the Critical Importance of Offshore Energy Revenue Sharing for Gulf Producing States," 1324 Longworth

10:00 a.m. — The Center for Strategic and International Studies' Energy and National Security Program [discussion](#) on "Challenges to Ukrainian Energy Reform and European Energy



Security," 1616 Rhode Island Avenue NW

11:30 a.m. — The Atlantic Council discussion on "From an Oil Company to an Energy Company," 1030 15th Street NW

1:00 p.m. — Monroe Energy, Philadelphia Energy Solutions and PBF Energy news conference on RINs prices under the Renewable Fuel Standard, Capitol.

1:30 p.m. — Information Technology and Innovation Foundation release on "Closing the Innovation Gap in Grid-Scale Energy Storage," 1101 K Street NW

2:00 p.m. — House Appropriations Interior, Environment, and Related Agencies Subcommittee hearing on EPA's fiscal 2019 budget, 2007 Rayburn

2:00 p.m. — House Natural Resources Committee hearing on H.R. 5317 (115) and H.R. 211 (115), 1324 Longworth

2:00 p.m. — Senate Appropriations Energy and Water Development Subcommittee hearing on the Nuclear Regulatory Commission's proposed budget for FY 2019, 430 Dirksen

2:30 p.m. — The Center for a New American Security discussion on "Geopolitical Risks and Opportunities of the Lower Oil Price Era," 1152 15th Street NW

3:00 p.m. — Rep. Nydia Velázquez discussion on "21st Century Energy Solutions for Puerto Rico," S-115

5:00 p.m. — The Atlantic Council discussion on "Investing in Iraq: Reconstruction and the Role of the Energy Sector," 1030 15th Street NW

6:30 p.m. — Wild & Scenic Film Festival with screenings of feature films that cover topics from climate change to environmental justice, and a panel discussion on women in the outdoors, 1307 L Street NW

## **THAT'S ALL FOR ME!**

*To view online:*

<https://www.politicopro.com/newsletters/morning-energy/2018/04/pruitt-steps-up-to-the-plate-183688>

## **Stories from POLITICO Pro**

### **Pruitt scales back EPA's use of science** [Back](#)

By Emily Holden and Annie Snider | 04/24/2018 03:17 PM EDT

Environmental Protection Agency chief Scott Pruitt announced Tuesday he would seek to bar the

agency from relying on studies that don't publicly disclose all their data, a major policy change that has long been sought by conservatives that will sharply reduce the research the agency can rely on when crafting new regulations.

The unveiling of the proposed rule delivers a win to Republicans like House Science Chairman Lamar Smith (R-Texas), who unsuccessfully pushed legislation to impose the same type of change. The move also demonstrates Pruitt's persistence in pursuing President Donald Trump's anti-regulation agenda just two days before the embattled EPA chief is due to face fierce questioning from lawmakers about his hefty spending, expanded security detail and cheap condominium rental from the wife of an energy lobbyist.

At an invitation-only meeting at EPA headquarters with Smith, Sen. Mike Rounds (R-S.D.) and other supporters of the policy, Pruitt said the proposed rule was critical in ensuring that the agency was transparent about how it is making decisions to justify costly new regulations. It is the latest step Pruitt has taken to fundamentally shift the agency's approach to science.

"It is a codification of an approach that says as we do our business at the agency the science that we use is going to be transparent, it's going to be reproducible, it's going to be able to be analyzed by those in the marketplace. And those who watch what we do can make informed decisions about whether we've drawn the proper conclusions or not," Pruitt said.

Text of the proposed rule was not immediately available.

The proposal, based on legislation pushed by Smith, is intensely controversial, and scientists and public health groups say it will prevent federal regulators from enacting health and safety protections. Nearly 1,000 scientists, including former EPA career staffers, signed a letter opposing the policy sent by the Union of Concerned Scientists to Pruitt on Monday.

Their primary concern was that many of the country's bedrock air and water quality regulations are based on research that cannot disclose raw data because it includes the personal health information.

But industry has its own version of the same problem. EPA often relies on industry studies that are considered by companies to be confidential business information when determining whether new pesticides and toxic chemicals are safe to use. Internal EPA emails obtained under the Freedom of Information Act show that EPA political officials, including Nancy Beck, who became the chief of the agency's chemical safety office last year after working for years at a chemical industry lobbying group, worried that the new policy would limit the agency's ability to consider industry data or would force companies to make this proprietary data public.

"We will need to thread this one real tight!" Richard Yamada, political official who led work on the new policy wrote to Beck after she raised the concerns.

It was not immediately clear if the new proposed rule included measures to address those concerns.

Rush Holt, CEO of the American Association for the Advancement of Science, said Pruitt's changes could keep the agency from revising public health regulations as problems arise or new data comes to light.

"On the surface it sounds so innocuous or even beneficial. What could be wrong with transparency? Well it's clear to me that this is not based on an effort to be transparent. It is rather based on an effort to be just the opposite," he said.

"EPA is particularly important because when science is misused, people die," he added.

Pruitt has been discussing the new scientific policy publicly for weeks, but it only went to the White House for interagency review last week. Such swift review is very rare for the Office of Management and Budget, which often takes months to vet a new policy. At least one group, the Environmental Defense Fund, has requested a meeting with OMB officials to discuss the rule, but OMB's website shows that no meetings have been scheduled with interested groups.

Many public health studies can't be replicated without exposing people to contaminants, and environmental disasters such as the Deepwater Horizon oil spill cannot be recreated, the group said, raising intellectual property, proprietary and privacy concerns.

Pruitt's predecessor Gina McCarthy, and her air chief Janet McCabe, in an [op-ed](#) in The New York Times in March said concerns about studies are dealt with through the existing peer-review process, which ensures scientific integrity.

"[Pruitt] and some conservative members of Congress are setting up a nonexistent problem in order to prevent the E.P.A. from using the best available science," they said.

*To view online [click here](#).*

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## **Report: Pruitt plans to shift blame for scandals [Back](#)**

By Emily Holden | 04/25/2018 01:55 PM EDT

EPA chief Scott Pruitt will seek to shift the blame for some of his ethics controversies by blaming his staff when he testifies at two House hearings Thursday, according to an internal EPA document reviewed by [The New York Times](#).

Pruitt is prepared to say that he now flies coach rather than first-class, that staffers were responsible for large raises given to close aides without White House sign-off and that officials who were reportedly sidelined for questioning his behavior had performance issues, according to the Times.

The defenses are in line with what Pruitt and EPA spokespeople have said in recent months.

EPA did not dispute the authenticity of the document, but spokesman Jahan Wilcox said Pruitt would tout "the accomplishments of President [Donald] Trump's EPA," including "working to repeal Obama's Clean Power Plan and Waters of the United States, providing regulatory certainty, and declaring a war on lead — all while returning to Reagan-era staffing levels."

Pruitt is expected to face questions about his bargain condo rental from the wife of a lobbyist who has since resigned from his firm, his spending on a round-the-clock security detail and his previous refusal to fly coach. He is under investigation by three congressional committees, the EPA's inspector general and the GAO, among other oversight bodies. White House deputy press secretary Hogan Gidley told NPR today that Pruitt will have to answer questions about the potential ethics violations "in short order."

*To view online [click here](#).*

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### **'It could be pretty painful' when Pruitt faces Congress [Back](#)**

By Anthony Adragna and Nancy Cook | 04/25/2018 06:00 PM EDT

When Scott Pruitt returns to Capitol Hill on Thursday, he will find few friends ready to greet him — and an audience of one waiting to determine his fate.

Republicans say they aren't going to give the Environmental Protection Agency chief a free pass on accusations of lavish spending, a sweetheart condo lease and luxe air travel during a pair of high-stakes hearings. Since Pruitt's previous appearance on Capitol Hill in January, he has faced an avalanche of damaging headlines and investigations that have alienated much of the White House and raised questions about his future leading the agency.

President Donald Trump has so far stuck by Pruitt. But the biggest test for the media-obsessed president may be how Pruitt fares in front of the cameras — only three weeks after he drew poor reviews for a combative interview with Fox News' Ed Henry.

House Energy and Commerce Chairman Greg Walden (R-Ore.) said Pruitt will receive a "cordial reception, but he's got some tough questions to answer."

Rep. John Shimkus (R-Ill.), whose subcommittee will be Pruitt's first stop Thursday, said the administrator should expect a "cool" reception from Republicans — who still strongly support his work to pare back EPA rules.

"It could be pretty painful, but when you accept the position of a senior administrator in a federal agency you've got to expect [that]," Shimkus, who chairs the Energy and Commerce Environment Subcommittee, told Politico. "You've just to grin and bear it and get through it."

Pruitt has few allies left in the White House, apart from the president himself. Senior administration aides characterized the hearings as potential make-or-break moments for Pruitt but said it's ultimately up to the president as to whether the White House wants to tolerate Pruitt's bad press.

Trump is largely keeping Pruitt around because he appreciates Pruitt's hard-charging agenda and because the White House does not want to go through another bruising confirmation battle over another Republican to lead EPA, according to senior administration officials and Republicans close to the White House. Already the White House expended great political energy this week on its pick for secretary of state, Mike Pompeo, a former congressman whom the White House views as eminently qualified but who is barely expected to squeak through the Senate confirmation process.

Most important, the president fears that dumping Pruitt would anger conservatives.

"The president is always nervous about offending his base, and Pruitt has real support in the base," said one Republican close to the White House. "If that base diminishes, he does not have a chance of being reelected. He generally likes what Pruitt is doing over there, but he has no relationship with Pruitt of any note. He could get someone else."

When asked at the White House briefing on Wednesday about Pruitt's spending and potential ethical violations, press secretary Sarah Huckabee Sanders would only say: "We are evaluating these concerns, and we expect the EPA administrator to answer for them."

Pruitt's waning support among White House aides has been months in the making. And at this point, many administration officials say they are tired of the terrible headlines and consider the allegations about Pruitt a nonstop swirl of distractions. It's not just Pruitt's handling of the questions that has irked White House officials but the facts themselves about the way he's led the EPA and run his own staff.

Over the past year, Pruitt has also alienated members of the communications team, National Economic Council, and Cabinet Affairs in various fights over policy like the Paris climate deal, messaging over policy rollouts, and spending decisions at the EPA. Another Republican close to the White House said Pruitt has earned a reputation among White House aides as "high maintenance."

The White House was not involved in helping to prepare Pruitt for the two Hill hearings on Thursday.

Shimkus predicted the toughest questions would come from the other side of the aisle.

"We need to make sure that we understand and recognize the valid, valid concerns that are out there on policy and administrative activity," he said. "But I don't think we'll be gouging his eyes out either — I think we'll have other folks that'll do that."

Some Pruitt supporters say he should be judged on his overall tenure.

"It should be based on his past performance, not necessarily standing in front of a microphone," House Natural Resources Chairman Rob Bishop (R-Utah) said. Bishop's committee does not have jurisdiction over EPA, but he has been a strong supporter of Pruitt's policy goals.

In his opening statement released ahead of the hearing, Pruitt will sidestep any discussion of the latest controversies, instead focusing on policy goals like Superfund cleanups and working more closely with states. "I will focus on key objectives to improve air quality, provide for clean and safe water, revitalize land and prevent contamination, ensure the safety of chemicals in the marketplace, assure compliance with the law, and improve efficiency and effectiveness," Pruitt will say in his prepared remarks.

Democrats are expected to tie the scandals facing Pruitt to his aggressive deregulatory push and proposal to slash EPA's budget by more than a quarter — which they see as just as worrisome as his alleged ethical improprieties. Multiple aides said there's such strong interest in the session that committee Democrats not on the Environment Subcommittee plan to participate, which does not require signoff from the majority.

"There's a confluence of concerns here that I think the Democrats are going to want to get answers to," Rep. Paul Tonko of New York, top Democrat on the panel, told POLITICO. "We were concerned yesterday, we're concerned today and we'll be concerned tomorrow if he's there."

There will be no shortage of things to ask him about, including the more than \$105,000 the agency has spent on his first-class flights, lavish spending on a \$43,000 soundproof phone booth and round-the-clock security, a cushy \$50-per-night condo lease from a Washington lobbyist who personally met with Pruitt to discuss the agency's Chesapeake Bay work, and a trip to Morocco in December on which he spent time promoting liquefied natural gas exports — a topic that isn't part of his agency's portfolio. Pruitt is also facing scrutiny over the significant pay raises the agency gave to a handful of his longtime aides from Oklahoma despite the White House's objections.

Federal watchdogs, the agency's inspector general, congressional investigators and the White House have launched more than a dozen investigations into various aspects of Pruitt's conduct.

But Rep. Joe Barton (R-Texas), the longest-serving member of Energy and Commerce, said Pruitt's ethics issues are "not the purpose of the hearing" and suggested many Republicans would come to the administrator's defense. However, he said the panel's GOP members have not met in advance to plot strategy.

"He's had a lot of death threats. I don't have a problem with his security costs," Barton said Wednesday. "I don't really have a major problem with his telecommunications setup. It's a difficult job to be the EPA administrator when you're a Republican."

Still, signs are increasing of weariness toward Pruitt among congressional Republicans. Three senior Senate Environment and Public Works Committee Republicans, including his staunch ally Sen. Jim Inhofe (R-Okla.), called for hearings into Pruitt's behavior earlier this week. Four

House Republicans have called for his resignation. And EPW Chairman John Barrasso (R-Wyo.) said he has "serious questions" about Pruitt's spending and pledged to send additional oversight letters.

"He'll need to acquit himself well," Sen. John Thune, the No. 3 Republican in the Senate, said when asked about how important the sessions will be for Pruitt's future in the administration.

An aide to Rep. Betty McCollum of Minnesota, top Democrat on the House Appropriations Interior and Environment Subcommittee, where Pruitt will appear Thursday afternoon, told POLITICO their hearing would likely focus more on Pruitt's proposed cuts to nearly a quarter of the agency's budget and regulatory rollbacks.

"I expect the E&C hearing will have a greater focus on the ethical concerns surrounding Pruitt," the aide said.

Some Democrats on Energy and Commerce acknowledge Pruitt has in the past performed well in congressional hearings, which they said could allow him to respond to some of the charges.

"If Mr. Trump is going to look for a good performance, I bet he'll put up a great performance," said Rep. Scott Peters (D-Calif.), another member of the subpanel. "But if he doesn't address the substance of the ethical and environmental challenges, I hope that they would think about finding someone else."

Other Democrats think Pruitt's main goal will be to avoid a major gaffe but they don't see any way he will emerge from the hearing in a significantly strengthened position.

"One or two of these transgressions would be survivable but there are so many scandals that it's really hard for me to imagine that Republicans want to lower the bar this much," said Sen. Brian Schatz (D-Hawaii), an outspoken Pruitt critic. "It is actually beyond me why they're sticking by him."

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**Tester leans on public lands as key reelection issue** [Back](#)

By Kevin Robillard | 04/26/2018 05:05 AM EDT

HELENA, Mont. — The issue that could prove key to Democratic Sen. [Jon Tester](#)'s reelection bid is under the radar in Washington politics but practically ever-present in Montana life.

Nearly a third of the land in Montana is under federal government ownership, and Tester wants to keep it that way. It's a way the Democratic senator, who is running for a third term, hopes to keep voters who pulled the lever for President Donald Trump — including hunters, hikers,

snowmobilers and ranchers — on his side in 2018.

"Public lands is one of the great equalizers. It's part of who we are," Democratic Gov. Steve Bullock said in a phone interview. "It doesn't matter what our political beliefs are, it's a core part of our lives."

Tester's strategy is part of a larger effort by Democrats in the West to emphasize the issue. Bullock emphasized it in his reelection bid in 2016 as he defeated Republican Greg Gianforte (now Montana's congressman) by 4 percentage points after hammering the Republican billionaire over stream access. New Mexico Sen. Martin Heinrich, who is expected to easily win reelection in 2018, started his reelection bid with a video focused heavily on public lands issues. And Democratic strategists think it can help them in states throughout the interior West.

"There are a lot of people here who are single-issue voters, and that issue is public lands," said Nick Gevock, the conservation director at the Montana Wildlife Federation.

Outdoor recreation is now Montana's largest industry, surpassing agriculture, and contributes \$7 billion and 71,000 jobs to the state's economy.

"They like to go hunting, they like to go fishing, they like to go hiking, they just like to get in the mountains where their cellphone doesn't work," Tester said in an interview. "I want to make sure there's not a mine put at the head of the Yellowstone River, or at the borders of Glacier Park."

A Montana Republican on the national stage is also raising the profile of the issue in-state. Conservationists had high hopes for Interior Secretary Ryan Zinke when he was first named to the job, but his decision to shrink the size of two national monuments has left them dismayed and disappointed.

"We were hopeful that, being a Montanan, he was going to live Montana values and be the Teddy Roosevelt conservationist he said he was," Gevock said, but noting Zinke's Interior Department was "putting the oil and gas industry above every other use."

Tester introduced Zinke at his confirmation hearing and had similar hopes, but is heavily critical of him today.

"It was because I thought he understood conversation. I haven't seen that over the last 14 months," Tester said, adding: "He has time to redeem himself."

The strategy is a proven vote-winner in Montana. Throughout the 2016 gubernatorial campaign, and in his earlier bids for governor and attorney general, Bullock emphasized stream access laws for fishermen. And he hammered Gianforte for fighting stream access laws in multiple television ads last cycle.

The state and national GOP platforms both support selling federal public lands to the states, where many environmentalists feel they would be exposed to oil and gas interests. Tester's opponents don't endorse those views.



"The people of Montana do not want the public lands transferred," state Auditor Matt Rosendale said in an interview, echoing the views of businessman Troy Downing and former judge Russ Fagg. (Rosendale supported selling the land during a 2014 bid for Congress but has changed his position.)

All three said they would like localities to have more say in how lands are managed and how federal authorities balance multiple uses. Rosendale, for instance, criticized the Forest Service for shutting down too many roads in the state.

But while Democrats in Montana have aggressively used the issue, public lands haven't become a top-tier issue in Colorado, Arizona or elsewhere in the interior West, which some Democratic strategists believe is a missed opportunity.

The Western Values Project, a Colorado-based nonprofit, [ran ads](#) late last year pressuring three potentially vulnerable Republicans — Arizona Rep. [Martha McSally](#), who is now running for Senate, along with Oregon Rep. [Greg Walden](#) and Washington Rep. [Jaime Herrera Beutler](#) — over their support for Zinke's decision to shrink the national monuments.

And the attacks had an impact: In Arizona, McSally held a 3-point lead against a generic Democrat in her congressional district in a poll conducted by Global Strategy Group. But when "asked to consider a scenario where she votes to reduce the size of the Bears Ears and Grand Staircase-Escalante national monuments," her support dropped to 38 percent, with a generic Democrat winning 50 percent of the vote.

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## **Interior spent \$139K on Zinke office doors** [Back](#)

By Anthony Adragna | 03/08/2018 05:58 PM EDT

The Interior Department is spending \$139,000 for new doors for Secretary Ryan Zinke's office suite, according to [records](#) posted online.

The work was recommended by Interior career facilities and security officials, an agency spokeswoman said, not by Zinke.

"The secretary was not aware of this contract but agrees that this is a lot of money for demo, install, materials, and labor," Heather Swift, the spokeswoman, said in a statement.

The award to Maryland-based Conquest Solutions LLC was first reported by the [Associated Press](#). The work involves replacing three sets of double doors, including two that open onto a balcony and leak during rain storms, the AP reported. An existing set of doors to Zinke's office

from a hallway do not have a lock, so the security will be upgraded with the new doors.

Swift said the work is part of a "decade-long modernization of the historic FDR-era building."

"Between regulations that require historic preservation and outdated government procurement rules, the costs for everything from pencils to printing to doors is astronomical. This is a perfect example of why the Secretary believes we need to reform procurement processes."

Housing and Urban Development Secretary Ben Carson drew criticism recently over news that HUD would spend \$31,000 on a dining set. That order was subsequently canceled.

*To view online [click here](#).*

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### **House passes controversial dam bill [Back](#)**

By Annie Snider | 04/25/2018 04:45 PM EDT

The House passed a controversial measure to override a court decision that required changes in the operations of major hydropower dams in the Pacific Northwest to help protect endangered salmon.

The measure, [H.R. 3144 \(115\)](#), from Rep. [Cathy McMorris Rodgers](#) (R-Wash.), was passed by a nearly party-line vote of 225-189.

The 9th Circuit Court of Appeals earlier this month [upheld](#) a lower court decision requiring that water be spilled over the tops of dams along the Columbia and Snake rivers, including the powerhouse Grand Coulee Dam, the largest power station in the U.S., during periods when young salmon and steelhead migrate to the ocean. The suit was brought by the state of Washington, tribes and conservation groups.

McMorris Rodgers and other Republicans in the region have fought the decision because it would reduce the dams' hydropower output. Their legislation would override the courts and require that dam operations continue as they have historically to maximize power production until an environmental review of the system can be completed.

The legislation is the latest front in a yearslong battle over the nearly 100-year-old hydropower system on the rivers. Conservation groups and tribes with treaty fishing rights want it altered and operated to benefit wildlife, including calling for the removal of four dams along the Snake River.

**WHAT'S NEXT:** The legislation moves to the Senate, where some of the region's Democratic senators have [registered](#) their opposition.

To view online [click here](#).

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## EPA drops 'once in, always in' policy from key Clean Air Act requirements [Back](#)

By Alex Guillén | 01/25/2018 06:11 PM EDT

EPA today withdrew a Clinton-era policy that was designed to prevent major emitters like power plants and factories from getting out of tough requirements to limit their toxic air emissions.

In a new [memo](#), EPA air chief Bill Wehrum wrote that the "once in, always in" policy "is contrary to the plain language" of the Clean Air Act. Wehrum revoked a [1995 guidance memo](#) outlining the policy and said EPA would consider new regulations to clarify its interpretation of the law.

Under the now-revoked guidance, any emitter that qualified as a "major" source of hazardous air pollutants would forever be subject to that tougher standard to comply with MACT rules, even if its emissions dropped low enough to be considered an "area" source subject to fewer or no requirements. Wehrum's memo said the law does not specify that such classifications are permanent.

"EPA has now determined that a major source which takes an enforceable limit on its [potential emissions] and takes measures to bring its HAP emissions below the applicable threshold becomes an area source, no matter when the source may choose to take measures to limit its" potential pollution emissions, Wehrum wrote.

Wehrum argued that the policy shift will actually encourage sources that hesitated to install emission reduction projects to move forward. Environmentalists, however, quickly [blasted the change](#) on social media.

The Bush administration twice attempted to change the OIAI policy but never succeeded.

**WHAT'S NEXT:** Wehrum's memo says EPA will "soon publish a Federal Register notice to take comment on adding regulatory text that will reflect EPA's plain language reading of the statute."

To view online [click here](#).

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**To:** Bolen, Brittany[bolen.brittany@epa.gov]  
**From:** POLITICO Pro  
**Sent:** Wed 6/6/2018 5:41:47 AM  
**Subject:** POLITICO Pro Breaking News: Rosendale wins GOP nod to face Tester

State Auditor Matt Rosendale has won the Montana Republican Senate primary and will face Democratic Sen. Jon Tester in the general election.

Rosendale had 34 percent of the vote to former judge Russ Fagg's 29 percent when the Associated Press called the primary with 54 percent of precincts reporting. Veteran Troy Downing was in third place with 19 percent.

The closely watched Senate contest is one of five featuring a Democratic senator in a state President Donald Trump carried by double digits in 2016.

See live results [here](#).

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**To:** Bolen, Brittany[bolen.brittany@epa.gov]  
**From:** POLITICO Pro Energy  
**Sent:** Thur 12/7/2017 10:45:23 AM  
**Subject:** Morning Energy: Pruitt heads to House grilling today — Major flop in Alaska lease sale bodes ill for ANWR estimates — McIntyre gets sworn in at FERC today

By Anthony Adragna | 12/07/2017 05:43 AM EDT

*With help from Emily Holden, Eric Wolff and Alex Guillén*

**WELCOME TO CONGRESS, MR. PRUITT:** EPA Administrator Scott Pruitt makes his long-awaited first appearance before a House Energy and Commerce subpanel this morning where he's expected to get grilled on a host of issues. The session will be broken into two segments — 10-11 a.m. and then 2 p.m. onwards — to allow Pruitt to attend a White House meeting on biofuels (more on that below). Look for E&C Environment Chairman [John Shimkus](#) to recognize the arrangement is "not ideal, but gives members maximum ability to personally question the administrator about the agency's mission" during his opening remarks.

**What Republicans will say:** Expect Chairman [Greg Walden](#) to press Pruitt on budget transparency and his plans to address staffing issues: "I expect that 'Back to Basics' is not an abdication of environmental protection, but rather a rededication to mastering the most fundamental aspects of EPA's mission," he'll say, according to prepared remarks glimpsed by ME. Shimkus said his questions could touch on a range of topics, including TSCA, brownfields, safe drinking water and the agency's staffing.

**And Democrats?** "We're all noticing the orientation toward the environment is completely different with respect to budgeting, with respect to climate change, potentially with respect to methane, particulates," Rep. [Scott Peters](#), a subcommittee member, told ME. "So, I just think we want to get a sense of where he's going and how he'll measure success." The committee's top Democrat, [Frank Pallone](#), wouldn't reveal what he intends to grill Pruitt about when ME caught up to him in the hall.

**Pro's Alex Guillén's expectations for Pruitt's first Capitol Hill appearance in six months:** "Lawmakers have probably built up some serious questions in that time, so we could see questioning on practically any issue before EPA: the Clean Power Plan repeal effort; the Waters of the U.S. rewrite; Superfund work; proposed budget cuts; Pruitt's decision earlier this year not to ban chlorpyrifos; and his increased security and travel. Pruitt's [prepared testimony](#) offers a standard overview of his EPA philosophy."

**Rally time:** Environmental and public health advocates, including the Union of Concerned Scientists, Sierra Club, Business Forward and the Alliance of Nurses for Healthy Environments, will rally outside Rayburn at 9:20 a.m. to draw attention to Pruitt's lagging enforcement efforts, spending habits and overhauls of science advisory panels. Ahead of the session, the Environmental Defense Fund updated their "[Pruitt Playbook](#)" and the Union of Concerned Scientists offers some [suggested questions](#) to ask.

**If you go:** The [hearing](#) kicks off at 10 a.m. in Rayburn 2123.

**WHY PRUITT'S LEAVING:** Sen. Ted Cruz has secured a meeting today at 11:30 a.m. with President Donald Trump and several Cabinet members, including Pruitt, for what he told ME is likely to be a "free-ranging discussion" about biofuels and the recent fights over the Renewable Fuel Standard. His message? "We need to find a solution that is a win-win. That is a win for corn farmers across the Midwest but at the same time is a win for blue-collar union members who work in refineries and right now are being bankrupted by a regulatory system that isn't working," the Texas Republican said. Other Senate Republicans are expected to attend as well (perhaps the ones who signed this letter). Remember Cruz still has a hold on Bill Northey's USDA's farm and conservation mission nomination, so watch to see if that's lifted as the most immediate outcome of the session.

**Oilies only:** Sen. Chuck Grassley wasn't invited to the meeting, his spokesman said, but not to worry: Grassley has said that a White House RFS meeting would be "a waste of time." And if there's one thing energy world knows now, it's that if you don't have Gang Grain, you got nothing.

**WELCOME TO THURSDAY!** I'm your host Anthony Adragna, and no one was able to name the Father Millet Cross national monument (which has since been transferred by Congress to a state park) as our nation's smallest at just 0.0074 acres when designated. For today: Which state currently has the most national monuments at 18? Send your tips, energy gossip and comments to [aadragna@politico.com](mailto:aadragna@politico.com), or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning\\_Energy](https://twitter.com/Morning_Energy) and [@POLITICOPro](https://twitter.com/POLITICOPro).

**ARCTIC LEASE SALE FLOP:** Despite touting the "largest ever" lease sale in the National Petroleum Reserve-Alaska, BLM received just bids on seven of the 900 tracts offered, Pro's Ben Lefebvre reports. Those bids, generating just \$1.2 million in high bids, came jointly by ConocoPhillips and Anadarko for 80,000 acres, or less than 1 percent of the acreage offered. The highest bid amount was \$14.99 per acre. The relatively low amount could undercut GOP arguments that opening up the nearby Arctic National Wildlife Refuge would generate \$1 billion in revenue. Leasing of state land did quite a bit better, according to the Anchorage Daily News.

**For perspective:** At the price of \$14.99/acre, "leasing the entirety of the Arctic Refuge Coastal Plain's 1.5 million acres would raise slightly more than \$11 million in revenue for the federal government, a far cry from the billion dollar lie that Trump and Republicans are feeding the American public," the Alaska Wilderness League's Kristen Miller said in a statement. Remember the Republican budget calls for Senate ENR to kick in \$1 billion in revenue (which CBO said would come through ANWR drilling), though the lease results seem to bolster skepticism from environmental advocates and Democrats about those estimates.

**Situational awareness:** Energy Chairman Lisa Murkowski was named a tax conferee late Wednesday, along with Sens. Orrin Hatch, Mike Enzi, John Cornyn, John Thune, Rob Portman, Tim Scott and Pat Toomey. "With Congressman [Don Young] representing the House of Representatives on our energy provisions, Alaskans will have a very strong voice at the table to ensure this bill crosses the finish line," she said in a statement.

**No (strategic petroleum) reservations:** Count Shimkus, a tax conferee, among the backers of the Senate's approach of selling off 7 million barrels from the Strategic Petroleum Reserve as part of the final tax package [H.R. 1 \(115\)](#). "There was a reason to have the SPR," he told ME. "There is a credible reason to debate whether, for now and in the immediate future, there is a need." He also said he's a "big ANWR supporter" and that he doesn't see the Arctic drilling provision getting pulled from the final version.

**INHOFE, PRUITT'S TOXIC LEGACY:** POLITICO Magazine's Malcolm Burnley takes [a deep dive](#) into the contaminated Oklahoma region of Tar Creek, an area so poisonous that only 10 holdouts live there, and he finds a buyout program for residents that left Sen. [Jim Inhofe](#) awash in scandal and litigation. Then-Attorney General Scott Pruitt ultimately concluded an audit into possible criminal wrongdoing didn't warrant charges and he shielded his review from public release, only to have some in the state believe his efforts were designed to spare Inhofe embarrassment. Many residents in the polluted zone of Tar Creek continue to express shock that no one was prosecuted over what happened in their federal buyout program

**Pruitt and Inhofe flatly denied** there was any political motivation in shielding the audit. "It was important to protect the individuals' reputation that were in that investigation," Pruitt said in an interview. "You would think that this wouldn't be a political issue, that people wouldn't put on the red and blue jerseys." One interesting fact though: Ryan Jackson, now Pruitt's chief of staff, was once Inhofe's point person on the Tar Creek issue. Photo gallery [here](#).

**Pruitt's new gig:** Trump named the EPA administrator to chair the Gulf Coast Ecosystem Restoration Council, a group formed after the Deepwater Horizon oil spill restore the ecosystems and economies of the Gulf Coast, your ME host [reports](#). Pruitt named Kenneth Wagner, a senior adviser, to be his designee on the council.

**MAY FERC NOW BE WHOLE:** New FERC Chairman Kevin McIntyre will be sworn in today, bringing the five-member agency to full power, Pro's Eric Wolff [reports](#). His swearing-in will put to rest rumors that either the Trump administration or McIntyre himself were delaying his start date to give current Chairman Neil Chatterjee enough service time to make staffing changes

**MORE HEARINGS COMING ON CLEAN POWER PLAN:** EPA announced Wednesday it would hold additional public hearings on its plan to repeal the Clean Power Plan in San Francisco; Gillette, Wyo.; and Kansas City, Mo., Pro's Emily Holden [reports](#). Pruitt said the change was "due to the overwhelming response" and the agency will announce the dates and locations of the meetings in the coming weeks.

**SPLIT OVER EXTENDERS?** Ways and Means Chairman [Kevin Brady](#) told reporters Wednesday he doesn't like the idea of moving a package of extenders this year but hasn't made a final decision yet, Pro Tax's Brian Faler [reports](#). "It's horrible policy and process," he said. But those comments come as Thune, the Senate's number three Republican, said lawmakers will revive biodiesel, geothermal and other energy-related breaks along with other "cats and dogs." Doing an extenders package as the chambers work to iron out differences between their broader tax bills is likely to test tax writers' bandwidth.



**Shutdown watch:** Congressional leaders head to the White House for a meeting with Trump on government funding today, but GOP lawmakers expect to pass a two-week spending package despite internal division within their party, POLITICO's Rachael Bade and Sarah Ferris [report](#). House Freedom Caucus leaders have been asking for a commitment GOP leadership does not believe it can give them: a promise to "hold the line" and refuse Senate Democrats' demands for increased spending on non-defense programs.

**House Democrats,** including Minority Whip Steny Hoyer, hold a press conference at 10 a.m. in Cannon 234 to call on Republicans to take up additional federal assistance for Puerto Rico and the U.S. Virgin Islands. Watch [here](#).

**ICYMI:** Both sides framed their arguments at a hearing of the U.S. Trade Representative over whether to impose tariffs on solar equipment imports in language aimed at swaying Trump, Pro's Eric Wolff [reports](#).

**PATAGONIA SUES OVER BEARS EARS:** A coalition of groups, including Patagonia, became the latest to file a lawsuit challenging the Trump administration's downsizing of Bears Ears National Monument on Monday. Link to the lawsuit filed in Washington federal court [here](#).

**ENDANGERMENT FINDING PUSHBACK STALLS:** Conservative state lawmakers and businesses that are members of the American Legislative Exchange Council on Wednesday shot down an effort to urge Pruitt to challenge a science-based endangerment finding that requires EPA action on greenhouse gas emissions. "In subcommittee, a substantive conversation occurred where arguments were made for and against the draft model policy," said Bill Meierling, executive vice president of external relations for the group. "After debate, it was clear that neither the public nor the private sector supported the draft as written."

**Meierling added that** "ALEC members prefer to advance policy only after a consensus opinion has been reached." Reports suggested later the resolution had been pulled in the aftermath of strong opposition, including from Exxon Mobil. Pruitt was expected to speak at the ALEC meeting on Friday but canceled due to a "scheduling conflict," Meierling said.

**NO COMMENT:** Murkowski forcefully [urged](#) Sen. [Al Franken](#) to step down amid sexual harassment allegations on Wednesday, but a spokeswoman declined to state whether Roy Moore would be welcome on her committee if he wins the Alabama special election next week. "We aren't commenting until after the special election and decisions about committee seats are made by conference," she said. Outgoing Alabama Sen. [Luther Strange](#) currently has a slot on the energy panel.

**THERE'S ALWAYS A TIE:** Congressional Democrats said Tuesday they have evidence then-national security adviser Michael Flynn sent assurances to former business partners that a U.S.-Russia energy partnership in the Middle East, which reportedly would have included more than two dozen nuclear plants in the region, was "good to go," POLITICO's Kyle Cheney [reports](#). The revelations from a whistleblower came in [a letter](#) released Tuesday.

**MAIL CALL! LET'S BOOST EFFICIENCY CAPS!** A collection of energy efficiency organizations, led by the Alliance to Save Energy, sent a letter to congressional appropriators on Wednesday urging them to boost "budget cap allocations for federal energy efficiency programs." Failure to do so could result in steep cuts to EPA and DOE programs across the board, the groups warn. Link [here](#).

**TAKE A GLANCE! LESSONS FROM THE RFS:** The American Enterprise Institute is out with a [report](#) looking at policymaking lessons from the RFS. It argues the biofuels mandate would be better as a rate standard than a volume standard, EPA should issue multiyear rather than annual rules and that uncertainty should be explicitly incorporated into future rulemakings, among other things.

**BAD SOLAR ACTORS:** Campaign for Accountability released the results of a years-long investigation concluding two companies — Vivint and SolarCity — received more complaints about their sales tactics than others in the solar industry. "Unfortunately, the deceptive sales tactics of solar companies, like Vivint and SolarCity, are making rooftop solar a risky bet," Daniel Stevens, the group's executive director, said in a statement. Read it [here](#).

**DREAMS TURNED REALITY?** The Center for Western Priorities is out with a report finding the Trump administration has already granted 13 of the energy industry's 24 top priorities. Read it [here](#).

**SUGGESTIONS GIVEN:** American Council for Capital Formation released a paper this morning with ten ideas for improving the regulatory process. It's the product of a November 2016 roundtable with Sens. [Mike Rounds](#), [Angus King](#), [James Lankford](#) and others. Link [here](#).

**MOVER, SHAKER:** Michael Boucher has joined Crowell & Moring LLP environment and natural resources practice as a partner in Washington. He joins from Dentons US LLP, where he led that firm's chemical, pesticide, and consumer product regulation team.

## QUICK HITS

— California AG on Trump EPA: 'It's almost as if they believe they're above the law'. [The Hill](#).

— Wall Street's Fracking Frenzy Runs Dry as Profits Fail to Materialize. [Wall Street Journal](#).

— The IHS Markit electric resiliency study - much less than meets the eye. [Utility Dive](#).

— Patagonia sues over Trump's monuments order. [AP](#).

— Volkswagen Official Gets 7-Year Term in Diesel-Emissions Cheating. [New York Times](#).

— Pipeline explodes in southeastern New Mexico oil patch. [AP](#).

— Christie backs nuclear subsidies but won't sign 'wish list' bill from environmental groups. [POLITICO New Jersey](#).

## HAPPENING TODAY

9:00 a.m. — The Washington International Trade Association holds an event as part of its NAFTA series: "Energy and the NAFTA," Ronald Reagan Building and International Trade Center, 1300 Pennsylvania Ave. NW

10:00 a.m. — EPA Administrator Scott Pruitt appears before the House Energy and Commerce Environment Subcommittee, Rayburn 2123

10:00 a.m. — "Transforming the Department of the Interior for the 21st Century," House Natural Resources Oversight and Investigations Subcommittee, Longworth 1324

11:00 a.m. — The World Bank conference call briefing on the One Planet Summit, RSVP: [himtiaz@worldbankgroup.org](mailto:himtiaz@worldbankgroup.org)

12:00 p.m. — "The Business Case for Tax Incentives Promoting Energy Efficiency," Alliance to Save Energy, Rayburn 2203

2:00 p.m. — The House Natural Resources Federal Lands Subcommittee holds a hearing on various bills, Longworth 1324

2:00 p.m. — "OPEC's World Oil Outlook 2017," Center for Strategic and International Studies, 1616 Rhode Island Avenue, NW

## THAT'S ALL FOR ME!

*To view online:*

<https://www.politicopro.com/newsletters/morning-energy/2017/12/pruitt-heads-to-house-grilling-today-043377>

## Stories from POLITICO Pro

### Biofuel backers claim victory in EPA battle [Back](#)

By Eric Wolff | 10/20/2017 05:37 PM EDT

Biofuels backers were breathing a sigh of relief on Friday after EPA Administrator Scott Pruitt backed away from changes to the Renewable Fuels Standard, a reversal that left oil refiners frustrated.

Pruitt acceded to demands from Sen. Joni Ernst that he publicly promise not to pursue plans to change the biofuel program rules — changes that had been sought by oil refiners who have long complained about the costs of implementing the program that many see as a giveaway to the corn states.

Pruitt's letter to Ernst, Sen. Chuck Grassley and five other Midwestern Republican senators delivered what they'd asked for: A promise not to expand the group of companies required to comply with the program, to keep the biodiesel volume requirements at levels proposed in July, to not alter the policy that strips RFS credits from exported ethanol, and to explore allowing year-round sale of gasoline with 15 percent ethanol nationwide.

The quick reversal by Pruitt — at the direction of President Donald Trump — showed the influence of the biofuel lobby, corn growers and farm-state lawmakers to scuttle changes in the decade-old policy sought by the energy industry.

"This was a basket of bad ideas for biofuels," said Brooke Coleman, head of the industry lobby group Advanced Biofuels Business Council. "And there's no way that we could have any other response than to take this approach. [Pruitt] didn't kick tires on changing the RFS, he tried to take a baseball bat to the program, and the response was matching and in response to, from a magnitude perspective, to the initial foul."

The push by the senators, as well as Midwestern governors, "made a huge difference in this matter," said Michael McAdams, head of the Advanced Biofuels Association. "In addition, the collective unity of the entire biofuels industry, including those who distribute and market these fuels, made a significant impression on the importance and support for the RFS program."

But oil refiners who have said the high cost of biofuel credits, called Renewable Identification Numbers, was costing them hundreds of millions of dollars, lamented the power of the biofuels lobby and the corn-belt lawmakers.

"The [Pruitt] letter is a result of political pressure applied by Midwestern politicians," said one refining source. "Some Midwesterners cannot accept any premise that the RFS could be improved. As a result, their overreaction included everything from holds on confirmations to even more personal threats launched at the White House and EPA."

The unified and vociferous campaign by the biofuels industry in attacking the proposal that would have lowered biodiesel volume mandates surprised some in the refining industry, as well as the political staff in the EPA, sources tell POLITICO.

The Trump administration's embrace of the oil industry had raised refiners' hopes that it could have the best opportunity in years for significant RFS changes, and refining giant Valero Energy, along with a group of Pennsylvania companies, believed they would get relief from what they considered an onerous program.

But Grassley took to the Senate floor to blast Pruitt's biofuel plans as a "betrayal" of Trump's promises to protect ethanol, and he arranged a call with Trump and Pruitt that led to the meeting in his office with Pruitt and Ernst as well as Deb Fischer (Neb.), John Thune (S.D.), Ben Sasse (Neb.), Pat Roberts (Kan.) and Mike Rounds (S.D.). Following that meeting, Ernst demanded the public statement from Pruitt, and said she would withhold her support for Bill Wehrum, who was nominated to run the agency's air office, forcing a delay in the Environment and Public Works Committee's vote until next week.

Ernst spokeswoman Brook Hougerson told POLITICO, "Now that Sen. Ernst has received the assurances that the EPA will support the spirit and the letter of the RFS, she will support Mr. Wehrum."

Valero was disappointed its efforts to change the program had been shot down by the fierce political opposition.

"These senators have intervened in a regulatory process, and the proposals and concepts in the letter address RFS implementation problems to which these senators have offered no constructive solutions," Valero said in a statement. "The only unifying principle of their bullying opposition seems to be a desire to maintain the status quo at all costs and to protect windfall profits associated with unregulated trading of renewable identification numbers, or RINs. Their position advances neither the goals nor the efficient implementation of the RFS, and places U.S. manufacturing jobs at risk."

But in a statement, the White House made clear that Trump remained fully behind the biofuels program.

"President Donald J. Trump promised rural America that he would protect the Renewable Fuel Standard, and has never wavered from that promise," spokeswoman Kelly Love said in a statement. "The president has had constructive conversations with several key officials about the RFS over the past week, and he understands their concerns. The Trump administration will protect the RFS and ensure that our Nation's hardworking farmers continue to fuel America."

One energy executive said the biofuel backers were victorious because they were unified in their support for the RFS, while Republicans, the oil industry, and even the refiners were not on the same page.

"The ethanol boys won this round, no doubt, but at a pretty high cost," said Stephen Brown, vice president for federal government affairs for Andeavor. "The refining industry is anything but united on the RFS beyond a sunset as individual companies have each made investments and honed mitigation strategies to comply with the statute. As those investment decisions become increasingly operationally embedded, the industry will continue to splinter on the suite of RFS issues."

But some producers are still wary of Pruitt's pledge in his Thursday letter, and they note that he promised to release a final rule in which none of the mandatory volumes will be less than he proposed in July. For some producers, those volumes were already too low.

"There's some work to do here," Coleman said. "We won't know until the rule is done. And we recognize it's an ongoing rulemaking, it's not like they're going or republish the rule, they've said what they can say. The final rule really matters."

*To view online [click here](#).*

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## **'Largest ever' Interior Alaska oil lease sale draws little interest** [Back](#)

By Ben Lefebvre | 12/06/2017 08:26 PM EDT

The Interior Department received only seven bids from two companies today in what it had billed as the "[largest ever](#)" oil and gas lease sale in the National Petroleum Reserve in Alaska.

The bids on the 10.3 million unleased acres in the NPR-A generated just \$1.2 million in high bids, according to a Bureau of Land Management summary. The relatively low amount could undercut GOP arguments that opening up the nearby Arctic National Wildlife Refuge would generate \$1 billion in revenue.

A BLM Alaska [lease sale last year](#) generated \$18 million for 1.4 million acres offered.

Subsidiaries of ConocoPhillips and Anadarko were the only two companies that participated in the lease sale. The companies only bid for 80,000 acres, or less than 1 percent of the acreage offered. The highest bid amount was \$14.99 per acre.

Low oil prices and the relatively cheap and plentiful land available for hydraulic fracturing in the lower 48 has hurt oil company interest in the out-of-the-way fields of Alaska and the Gulf of Mexico. Interior Secretary Ryan Zinke and Sen. [Lisa Murkowski](#) (R-Alaska) have pushed to open more public land to drilling, however, saying that doing so is important to increase domestic energy production.

Zinke had previously said that today's "large and unprecedented sale in Alaska will help achieve our goal of American Energy Dominance."

An Interior spokesperson did not immediately respond to questions.

**WHAT'S NEXT:** Republicans hope to keep ANWR drilling provisions in their budget proposal.

*To view online [click here](#).*

[Back](#)

## **Democrats worry Arctic National Wildlife Refuge being lost amid tax debate** [Back](#)

By Ben Lefebvre | 11/29/2017 05:17 AM EDT

Democrats' fight to keep oil and gas rigs out of the Arctic National Wildlife Refuge is losing ground as the Republican tax plan advances — and it's almost as if no one has noticed.

The prospect of drilling in the untouched Alaskan tundra is as close to reality as it's been in more than a decade, with none of the political drama that in past decades turned the refuge's fate into a top-tier rallying cry for liberals. Legislation to allow drilling in ANWR is quietly hitching a ride on the tax code overhaul that Senate Republicans hope to complete by the end of the week, overshadowed by larger debates on whether the bill is a giveaway to rich people and corporations at the expense of the poor and working class.

"It's really not gotten the attention that it should," Sen. Tammy Duckworth (D-Ill.), a member of the Energy and Natural Resources Committee, told POLITICO about the ANWR provision. "It's not just the budget discussion. It's about everything else that's going on, the flurry of all sorts of other news."

Angus King (I-Maine) said Republicans were trying to shield ANWR from opposition by adding it to the larger bill rather than bringing it to the floor separately under rules, which would require it to win support from 60 senators to overcome a filibuster.

"Well, clearly the strategy is to try to get it through as part of this tax reform effort and thereby avoid a direct up-or-down vote," King said in an interview earlier this month.

The nonstop news cycle and preponderance of other concerns with the tax bill are making it difficult to focus on an issue that normally fires up Democratic voters.

"I do think that putting ANWR in the budget reconciliation package hasn't drawn as much extremist opposition because it is completely overshadowed by tax reform, which is the center of the package," said Chris Guith, senior vice president of the U.S. Chamber of Commerce's Global Energy Institute. "But there are some who aren't exactly supportive of tax reform that support ANWR, and it's possible to see ANWR bring a vote or two to help pass tax reform."

Senate Energy Chair Lisa Murkowski (R-Alaska) easily advanced legislation through her committee directing the Interior Department to hold two lease sales for drilling in ANWR over the next decade. It would raise \$1 billion over that period, according to the Congressional Budget Office, making it eligible for inclusion in a budget reconciliation package that Democrats cannot filibuster.

The reconciliation package also will include Republicans' tax plan and a repeal of the Obamacare individual mandate. While Murkowski helped scuttle the Obamacare repeal push earlier this year, she says she supports ending the mandate. Murkowski's office did not respond to a request for comment.

ANWR, a swath of tundra on the northern Alaska coast, is home to polar bears, porcupine caribou and a landscape that hasn't been touched in thousands of years. Congress designated the 19 million-acre area a wildlife refuge in 1980, but it set aside a 1.5-million-acre parcel known as "10-02" for possible drilling if future lawmakers approved such a plan. The U.S. Geological Survey estimated in 1998 that part of ANWR could hold up to 12 billion barrels of oil, and President Donald Trump and Alaska Republicans have called it essential for their plans for American "energy dominance."

Sen. Susan Collins (R-Maine), who is undecided on the tax bill for a several reasons, said she will support an amendment on the Senate floor to eliminate the ANWR language, but she said success there is not a prerequisite for her to vote for the underlying bill. "No it is not, but I would certainly try to get it out of the package," Collins told reporters Tuesday. Collins was the only Republican to cross the aisle on an unsuccessful amendment to keep pro-drilling language out of the underlying budget resolution, meaning it is unlikely that she would be able to strip the ANWR provision from a reconciliation bill.

But Democrats say that passing a deficit-increasing tax bill in order to open ANWR would actually harm energy-producing states. That's because the \$1.5 trillion shortfall from the GOP tax cuts would trigger required "pay-as-you-go" cuts to mandatory spending programs, according to a CBO analysis sent to House Minority Whip Steny Hoyer (D-Md.).

One of the programs on the pay-go chopping block would be the energy royalty revenue sharing program carried out through the Mineral Leasing Act. Cutting those payments would lose Alaska an estimated \$15 million in energy royalty payments next year alone, an amount important to a state already facing budget shortfalls.

"Communities throughout the West would be impacted by the loss of revenue, which is used to support a variety of needs including infrastructure, school funding, conservation, and recreation," Hoyer said in a statement to POLITICO. "This is yet another example of the consequences associated with forcing through legislation to add \$1.5 trillion to the deficit in order to give tax cuts to the wealthy."

Pay-go cuts also would hit popular programs like Medicare and student loans, but Congress can waive the law with 60 votes in the Senate. Democrats are not yet on board with that approach.

The current push to open ANWR, coming amid a swarm of competing headlines and buried in larger legislation, has come nearer to succeeding than the GOP's two previous attempts. President Bill Clinton vetoed a budget package in 1995 that included language opening ANWR, while a Democratic filibuster thwarted a second attempt in 2005.

Environmental groups have targeted public engagement at only a handful of congressional districts. The League of Conservation Voters spent \$550,000 on television ads in three Republican congressional districts. The LCV also paid for a bipartisan polling firm to probe public opinion on opening ANWR, but even that focused only on registered voters in eight congressional districts.

"The reason they're trying to sneak it into the tax package is they know they don't have the votes otherwise," said Tiernan Sittenfeld, the league's senior vice president of government affairs. "They know they can't pass it under regular order, that's why they're doing a sneak attack."

Even ANWR supporters are staying out of the spotlight.

"I haven't seen any full-out, front-page ads, nothing like that," Alaska Oil and Gas Association



President Kara Moriarty said. "We're a little battle-weary, to be honest. Alaskans support opening up ANWR. There's been a few statements reiterating that."

*Nick Juliano contributed to this report.*

*To view online [click here](#).*

[Back](#)

## **The Environmental Scandal in Scott Pruitt's Backyard** [Back](#)

By Malcolm Burnley | 12/06/2017 05:57 PM EDT

PICHER, Okla. — Tar Creek, Oklahoma, is breathtaking in a terrible way: At one time the world's deepest source of lead and zinc, the three-town region is now a cratered landscape so poisonous that no one, aside from 10 holdouts, can live there. Mountains of ashlike "chat," a toxic residue from lead-zinc milling, rise majestically among the remains of homes torn from their foundations. Abandoned pets forage around the ruins. A child's teddy bear lies sprawled in a ghostly living room. A gorilla statue fronts an empty high school, atop a sign proclaiming "1A Football State Champs, 1984."

Tar Creek is also part of the environmental legacy of one of the state's—and nation's—leading politicians, Senator Jim Inhofe, and his longtime ally, Scott Pruitt, the former Oklahoma attorney general who is now head of President Donald Trump's Environmental Protection Agency. After the EPA struggled to clean up the area, in 2006, Inhofe endorsed a plan in which a trust overseen by local citizens would use federal dollars to purchase homes and businesses in the toxic region so residents could move elsewhere. Then, when the plan proved so problematic that it spawned more than a half-dozen civil lawsuits and an audit into possible criminal wrongdoing, Pruitt, as the state's attorney general, invoked an exception to state freedom-of-information laws to keep the audit from being an open public record.

Now, that decision is coming into new light as many Oklahomans clamor for the audit to be released, suggesting that its revelations will prove embarrassing to Inhofe, who played a key role in designing the buyout plan, and cast doubt on Pruitt's decision not to move forward with charges. Last week, a Washington, D.C., nonprofit called the Campaign for Accountability raised the stakes even further, filing suit in Oklahoma courts to force the release of the audit.

"If you take a look at Scott Pruitt's record, you see a general disregard for transparency," said Daniel Stevens, the group's executive director. "I don't think it's outside our bounds to say that Pruitt is trying to hide evidence of criminal wrongdoing."

Pruitt, in an interview, dismissed the idea that he was covering anything up, saying his former office's grand jury unit reviewed the audit and determined that no charges were warranted. He said he declined to make it public because he didn't want innocent people to be besmirched, even though the auditor rejected that reasoning and maintained it should be a public document. "It was

important to protect the individuals' reputation that were in that investigation," Pruitt said.

Nonetheless, the mess at Tar Creek continues to follow Pruitt in other ways. As EPA administrator, he has assumed full responsibility for the still-faltering cleanup. And eyebrows were raised in Oklahoma this past January when, as Pruitt was awaiting confirmation for his EPA post, a White House spokesperson told Bloomberg News that the handling of Tar Creek was emblematic of Pruitt's philosophy: "national standards, neighborhood solutions."

Pruitt, in an interview, said he knew nothing about the Bloomberg article, saying only that he endorses the EPA's current work at Tar Creek and the principle of combining federal resources and state and local leadership, rather than the buyout that occurred before his time as EPA administrator, while he was Oklahoma's attorney general.

"I think as far as a model going forward outside of the buyout, what we're trying to do is have a renewed focus on what I think are some of the most beneficial things we can do for citizens across the country, and that's to address some of these legacy sites that have substantial environmental challenges that allow them to once again enjoy the communities in their backyard," he said.

But many residents of the Tar Creek area, who gave up their homes in a buyout they considered both coercive and corrupt, continue to blame Pruitt for the fact that no one was prosecuted. They described a program so rife with good-old-boy corruption that certain individuals received outsize payoffs while some homeowners got so little they couldn't relocate anywhere nearby; meanwhile, they said, the people hired to demolish the homes received inflated contracts through a flawed process.

"We were lied to and deceived from Day One," said Gloria Workman, who said her son has learning disabilities from growing up in the polluted zone of Tar Creek, which had lead-poisoning levels in children that were three times higher than those registered in Flint, Michigan, during the peak of its recent water crisis. "Not only were we losing our homes, we were raped in the process."

"It was a nightmare," said Mary Thompson, who was still awaiting a resolution from the trust when an EF4 tornado ripped through Tar Creek in 2008, throwing bodies and trailers through the sky, killing six people and destroying more than 100 homes. Without homes, many people took lower-than-expected buyout offers—however insufficient they were perceived to be—because they had nothing left, she said.

"They preyed on us after the tornado," said Thompson, whose home was leveled.

Nonetheless, Inhofe, in a 2015 news release touting the completion of the buyout, cast it as a success because it did not lead to an expanded federal role.

"This is an example of a government program created for a specific purpose and then dissolves after the job is completed," Inhofe proclaimed.

Now, he continues to defend it but sounds less celebratory. "The first thing to know about the Superfund site at Tar Creek is that it's what's called a 'mega-site' and that it is an exceptional circumstance in every way. You can't compare it to any other Superfund site in the country," Inhofe said in a statement to POLITICO. "The voluntary relocation assistance to get people out of harm's way was right for the situation at Tar Creek, but may not be for every other Superfund—that is why state and local partnership is critical."

To many former residents, who still want the investigative report by the state auditor to see the light of day, even these modest and conditional endorsements feel like slaps in the face.

"People hate the government out here, and it's because of things like this," said Aletha Redden, a lifelong resident of the area who has a Donald Trump bumper sticker on her pickup truck. "I want Scott Pruitt to know: This is not the model."

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**A flat expanse** of dusty roads and scrubby vegetation situated in the heart of Tornado Alley, the Tar Creek area was once the mainstay of the Quapaw Tribe, which was forcibly relocated there by the U.S. government in 1834. At the time, the territory had little economic value, but a half-century later, prospectors discovered enormously rich ore. By the turn of the 20th century, companies broke ground with drill rigs on Quapaw land.

Many of those firms made fortunes, luring white settlers into an uneasy state of coexistence with the Quapaw. Tar Creek proved to be the deepest reservoir of lead-zinc ore in the world, producing a whopping \$1 billion in minerals between 1908 and 1950, according to the Oklahoma Historical Society. Picher, the largest of the mining towns, swelled to a population of 14,000.

Almost every aspect of life in Tar Creek traced back to the mines. The high school took on the mascot of a gorilla, a reference to workers in the mines who broke up boulders with hammers. Children played in sandboxes filled with chat, the chalky mining debris. Teenagers earned the nickname "chat rats" for climbing up the pillowy piles of toxic rubble throughout town and rolling tires down their slopes.

By the end of World War II, however, the boom was over. Most of the mining companies decamped for richer pastures. For the families left behind—including that of Yankees slugger Mickey Mantle, who grew up in the Tar Creek area in the 1940s—it was a slowly unfolding disaster. The extent of Tar Creek's collapse was reflected in the words of John F. Kennedy, who barnstormed into Joplin, Missouri—25 miles away from Tar Creek—in the closing days of the 1960 presidential campaign.

"My own judgment is I know no tougher occupation in the world that [sic] to be a miner, lead, zinc, coal. I am always glad to meet them because I think they live with peril," Kennedy declared. "They have as tough a life as there is. Every other one whose hand you shake has a finger off, a foot crushed, the chances of in 20 years their having a bad accident are more than any of the rest of us. And yet in this community and in West Virginia and Idaho and in other sections of the United States, there has been no group that has been harder hit, no group that has

been more forgotten."

Indeed, after the last prospector looking for ore packed up and left in the mid-1970s, people looked to casinos and farming to make a living. But the residue from decades of mining was poisoning them. In 1979, acid mine water leached into the ground, threatening the area's aquifers, killing fish and turning creeks a rusty orange color. When the federal Superfund program—designed to clean up the nation's most polluted and contaminated land—kicked off in the early 1980s, Tar Creek was named to the inaugural National Priorities List. It's still on the list.

The EPA has spent more than \$176 million over the past 25 years on cleanup work inside the 42-square-mile-area, on projects from plugging mine shafts to removing contaminated surface soil in people's yards. Though the amount of money sounds large, it hasn't been nearly enough to remove the toxic dangers, and many residents insist the cleanup was mishandled from the get-go. In some cases, the removal of soil resulted in sloping yards, which, during bouts of rain, caused flooding and mold inside houses. In 2000, the FBI raided the offices of the EPA's prime contractor at Tar Creek, Morrison-Knudsen. The company later settled a lawsuit brought by the federal government alleging false representation of billing and progress reports for a sum of \$1 million. In the settlement, the company made no admission of wrongdoing.

Meanwhile, the environmental hazards began to multiply: Shortly after the start of that Superfund spending spree, in 1993, researchers at the University of Oklahoma found that 34 percent of Quapaw children were living with lead concentrations above the federal limit. Further studies found alarming rates of lead and arsenic in both the tribal and non-tribal populations. In 1997, a university-lead study estimated that 21 percent of children near Tar Creek had elevated blood-lead levels (defined as 10 micrograms per liter at the time), which is three times higher than the highest measurements found in Flint, Michigan, in 2015. The learning disabilities and memory loss that had plagued the schools and curtailed lifespans for decades suddenly had a culprit.

As the dangers became ever-more visible and the cleanup lagged, residents rallied around the idea that the government should quickly buy them out of their homes, rather than wait for the hazardous materials to be removed. They thought they might have an ally in the state's senior senator, Inhofe, a Republican who was chair of the Senate Environment and Public Works Committee. But Inhofe, who has a skepticism about environmental science that exceeds that of any of his colleagues, refused to consider the idea. "There will never be a buyout. I promise you that," Inhofe told the *Tulsa World* in late 2003.

Inhofe's refusal to take action of any sort was often criticized in local press, due in part to the relentless attacks of a young Democratic congressman named Brad Carson. "If you'd asked people in Oklahoma politics at the time, they'd say we were mortal enemies," said Carson, referring to himself and Inhofe. "I was elected [to Congress] in 2000, and my goal was to untie the Gordian knot. The area is desperately poor. If it was in suburban Tulsa or Oklahoma City, there would've been outrage."

In 2004, Governor Brad Henry signed a bill authorizing the use of state dollars for the relocation

of roughly 100 families with children under the age of 6. Under pressure to take further action, the senior senator began to come around. At first, he secured \$2 million in federal funding to pay for a study that discovered that 286 homes within Tar Creek were at risk of being swallowed up from cave-ins of underground mine shafts. This provided an opportunity for Inhofe to reverse himself on the buyout, supporting it on the grounds of protecting residents from cave-ins.

"The stability with the underground mine workings was worse than anyone had previously been thought," recalls Ed Keheley, a retired nuclear engineer and native of Picher who co-authored the study's final report. In the spring of 2006, Inhofe announced a joint federal and state buyout program that would begin with \$20 million in funding, with the express purpose of relocating any and all people who'd voluntarily leave Tar Creek.

Having once opposed the buyout to his political detriment, Inhofe now used his clout to keep on funding it, but with the idea that decision-making would be concentrated among local leaders, not the federal government. With Inhofe's support, the Oklahoma legislature created a nine-member panel called the Lead Impacted Communities Relocation Assistance Trust to assume control over the project. The members were all volunteers, helping their community, but some had a vested interest in the buyout: They included, for example, a local banker whose institution would later give loans to people to help them relocate; local property owners whose own homes—and those of relatives—would be subject to the buyout; town officials; and a leader of the Quapaw Tribe.

Inhofe cast himself in the role of the community's protector, putting out a 2008 campaign ad that declared: "Tar Creek: poisoned earth, the threat of schools and churches sinking into abandoned mines. Everyone thought it would be too much to tackle, except for one stubborn man named Inhofe."

But over a five-year period, the buyout would become the subject of a host of civil lawsuits and the subject of a state investigation.

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**The local members of the trust**—few, if any, of them schooled in environmental management—had two major tasks: figuring out how much each property owner should be paid for their home or business, and then choosing a company to demolish the properties. Both tasks would become the subject of complaints about cronyism, with residents saying the trust members rewarded their friends and politically connected individuals.

It didn't help that the trust often met behind closed doors, and that the vice chairman of the trust resigned within a year. The trust's sole employee, operations manager Sonya Harris, also quit, declaring in her resignation letter that she could no longer continue "with a clear conscience without recommending a change; I will not place myself in a position to be perceived as approving of the operations to this point."

The first case to raise eyebrows involved the mayor of Picher, Ernest "Sam" Freeman. In 2005, when the buyout was first being discussed as a probability, he acquired three large parcels of

former mining land covered with chat from the Picher Development Authority, which he chaired. Freeman bought them at 3 cents per square foot, for a total price of \$2,088.50, according to the findings of a state audit at the time. It was, the audit declared, a violation of state laws forbidding members of public boards from entering into contracts with those boards. Ottawa County District Attorney Eddie Wyant called on Freeman to return the properties to the development authority in lieu of charges.

"If Sam wanted to buy that land, he needed to get off the board and purchase it legally," Wyant told a local newspaper at the time. "I am not one to put anyone in jail over this, but he needs to clear it up." Wyant, when reached by phone, declined to comment further.

Freeman returned the land, but, in a move that enraged some neighbors, profited off it anyway. The trust had decided that, because so much former mining land had been taken over by state authorities and tribal members, those who owned mobile homes or other shelters on land they didn't own would be eligible for buyouts. Freeman made a claim based on the fact that he had been maintaining and renting out homes on the chat-infested property for years before he tried to buy it.

Trust documents show that Freeman received at least \$274,000 from the buyout, more than half of which came from the same lots he had been ordered to return by law enforcement. (Freeman told POLITICO a payout of more than a quarter-million sounded accurate enough, though he declined to provide an exact figure.) Neighbors suspected cronyism. Freeman, who is no longer mayor, denied receiving any preferential treatment. "These people thought I bought the lots to make a killing in the buyout," he said. "I don't think I got more than anyone else would have."

The size of the mayor's profit diminished public confidence in the trust, just as it was engaged in the most delicate part of its task, figuring out how much to pay each individual property owner. Property owners were supposed to receive fair market prices as if pollution hadn't existed in Tar Creek, based on the sales of similar properties elsewhere in northeast Oklahoma. But those calculations appeared to lack uniformity.

The average payout for the 695 properties involved in the buyout was just over \$65,000, but the disparity in prices between two properties could be dramatic. Residents complained about lowball offers on some decent properties and overly high payouts for others that were rundown or minuscule in size.

"I got \$3,000 for my gun shop. It took me \$16,000 to build it," said former Tar Creek resident John Frazier.

Wally Long said he and his wife got \$35,000 for their Dairy Queen, while another Dairy Queen right up the road got substantially more.

"We were told [by the trust] that's all the money there is," Long said. "It bothered my wife a lot. She put 23 years of her life into this business."

Meanwhile, a trust member named Janell Trimble got \$185,000 for her house, and her brother

collected \$115,000 for his fiberboard house.

"I may be a member of the [relocation trust's committee], but I honor my duties and I recuse myself when family members are involved," Trimble told the Tulsa World in 2008. "[B]ut as a buyout participant I also expect to be treated just like the next person."

Nonetheless, both Trimble and her brother received more than 35 percent above the average price per square foot. On the other end of the spectrum, an elderly woman named Betty Betts received an offer of \$12,000 for her home; when she protested, the appraised value was raised to \$20,000. Many people got so little for their homes that they had to turn around and take out loans in order to resettle elsewhere in Oklahoma. In the end, the trust finished up with millions in unspent funds.

Residents concentrated their anger on the company that the trust hired to conduct the appraisals, Cinnabar, which had previously made headlines for its management of a noise-insulation program at the Tulsa Airport, which involved multiple lawsuits. In response, the trust engaged an "appraisal reviewer" to go back over Cinnabar's work. But the reviewer, a company named Van Tuyl Associates, quickly came under criticism as well. "They [often] didn't get out of their car. They never entered these homes," said Keheley, who was a member of the trust at the time. (Van Tuyl Associates is now defunct; its former president could not be reached for comment.)

When the unrest over the buyout made the local newspapers, the trust's leadership pointed to a 95 percent acceptance rate for buyout offers. But some residents accused trustees of pressuring them with "take it or leave it" offers, according to a class-action lawsuit brought against the trustees, Cinnabar and Van Tuyl by more than 250 residents affected by the buyout. Plaintiffs also complained that they were denied the right to view the appraisal paperwork. There was even a fake camera—and posters notifying residents they were being videotaped—in the room where buyout offers were made, an apparent attempt to compel residents to take the offers, according to documents in the suit.

The suit, filed in Oklahoma district court, accused the defendants of cheating average property owners and rewarding friends and associates of the trustees. Depositions revealed an explanation for some of the inconsistencies in appraisals: For certain properties, Cinnabar expanded the boundaries of where it could find "comparables"—properties in adjacent counties whose sale prices were used to calculate the appraisals—with the approval of a state employee named J.D. Strong, who, according to the lawsuit, played a significant role in overseeing the trust.

One of the properties appraised in this fashion was that of Trimble, whose \$185,000 payout, according to appraisal documents, had infuriated other residents.

When, in 2008, residents outlined their frustrations in a scathing six-page letter to Inhofe, Henry and other elected officials, Strong dictated the governor's reply, which was co-signed by Inhofe, lawyers for the plaintiffs asserted in his deposition. "I may have drafted this," Strong responded, when presented with a copy of the letter saved on Strong's computer.

In an interview, Strong defended the trust and its system of appraisals: "We knew going in that

we weren't going to be the most popular. We went in with the idea that we were going to be fair. I can honestly say that, looking back, we were fair and unbiased and frugal."

During the six years the lawsuit was making its way through the state court system, both Cinnabar and Van Tuyl Associates declared bankruptcy. Eventually, the plaintiffs and the trust settled the case in 2015 for \$1.3 million, which, after deducting attorney fees, meant that each resident ended up receiving an additional \$2,600.

But that didn't satisfy many property owners.

"The people of Tar Creek were treated like second-class citizens, based on where they were born and lived," concluded Wally Kennedy, a columnist at the *Joplin Globe* who reported on northeast Oklahoma, including Tar Creek, for more than 30 years. "For someone to portray the buyout of the people of Tar Creek as a successful program is lying through their teeth."

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**Once the trust** obtained the properties on the toxic land, the next problem was how to destroy the empty structures that were on them.

Inhofe made sure there was enough money for the job. Even as he joined fellow Republicans in condemning President Barack Obama's 2009 stimulus bill as an unwarranted giveaway, the senior senator helped secure an additional \$15.7 million in the bill to help the trust finish its work.

The trust hired a local businessman named Jack Dalrymple to oversee bids for the demolition contract. He was best known for organizing an annual deer hunt for paralyzed veterans, an endeavor that earned him a lifetime achievement award from a local Chamber of Commerce. His payment was to be 10 percent of the value of the winning bid. He formulated a scoring system to evaluate bids and, in March 2010, the trust awarded the contract to Stone's Backhoe, the most expensive of all four bids. At \$2.1 million, it was nearly four times the cost of the lowest bidder.

Just 14 days after Stone's was declared the winner, it asked that the contract be reassigned to two subcontractors, CWF Enterprises, a carpet-cleaning business, and Vision Construction and Management. Former residents contend that there were longstanding ties between Dalrymple and the subcontractors. Whether or not they were friends before, they soon became hunting buddies. In October 2012, local coverage of Dalrymple's annual event for paralyzed veterans pictured the heads of the two firms setting up the flag for the hunt.

One of the losing contractors filed suit against the trust and individual trustees in Oklahoma district court, accusing them of violating the state's open-meeting act and competitive bidding act. The district county judge sided with the plaintiff, reopening the bidding process.

But rather than blame Dalrymple, the trust gave him a new contract. It included a flat rate for his services, \$305,472—about \$100,000 more than he would have received had the contract remained with Stone's.



In January 2011, a \$1.7 million demolition contract was awarded to none other than CWF Enterprises, the carpet-cleaning business, which was also the least expensive of the three bids received. A month later, however, the estimated cost of the contract ballooned to \$3,050,786—almost exactly 10 times what Dalrymple received in his new contract.

While many residents cried foul, Andy Lester, the trust's attorney, attributed the increase to the fact that the EPA-controlled repository for dumping debris had just closed down. Trekking the remains of the houses and businesses to a dumping ground further away caused the massive change order, and a near doubling of the contract.

Lester also defends the choice of Dalrymple to handle the bids, contending that he was an engineer with some prior experience with public contracts and that the trust members couldn't handle the process on their own.

"It is important to remember that the trust board consisted of nine members—including, for example, a physician, a school teacher, and a mushroom farmer. They were volunteers, not professionals at this kind of work," Lester said. "Jack Dalrymple is a professional engineer with significant experience. And candidly, there are very few professional engineers in northeast Oklahoma."

Nonetheless, lawyers out of the Tulsa region filed a lawsuit in 2012 under the False Claims Act that accused the trust members, Dalrymple and the heads of the companies hired to do demolition work of being part of a "good old boy network" and defrauding federal taxpayers.

Attorneys for the plaintiffs, Zach and Brad Barron, say the lawsuit fizzled when the Department of Justice took the stance that "the government didn't sustain damages" from the charges laid out in the complaint. In a false claims lawsuit, where the plaintiffs are effectively trying to recoup money that's owed to the government, a lack of willingness from the government is effectively a death knell, the Barrons said. The lawsuit was eventually dismissed.

In an interview, Dalrymple insisted the allegations of cronyism were entirely unfounded.

"There were a lot of emotions and feelings during that period," he said. "When you ask someone to leave their home, it's a tough thing. But ... there was nothing there."

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**Still, the drumbeat** of complaints continued, eventually reaching the ear of Jerry Morris, the state director for Oklahoma's then-junior senator, Republican Tom Coburn.

It was no secret that Coburn, a physician who cast himself as a political outsider, didn't look upon Inhofe with any sort of fond feelings of mentorship.

"I think they were often seen as having very different approaches to politics," said David Blatt of the Oklahoma Policy Institute. "Inhofe is seen as a classic, pork-barrel politician who'd bring

federal dollars to Oklahoma, the more the merrier." Whereas Coburn, Blatt says, "hated that kind of politics and did as little of it as he possibly could. In fact, he spoke disdainfully and caustically about it the whole time he was in the Senate."

Coburn was not shy about stepping on his fellow Republican's toes. Morris forwarded a memo with a lengthy list of allegations related to the awarding of contracts in the Tar Creek buyout, especially regarding the demolition work, to then-Attorney General Pruitt. In April 2011, Pruitt asked the state auditor and inspector, Gary Jones, to look into the memoranda sent from Coburn's office.

"I have determined that these concerns are serious in nature such that an investigation of the matter is warranted," Pruitt wrote to Jones. A 17-point list of allegations for Jones to investigate followed, including whether there was collusion between Dalrymple and the contractors hired to do the demolition work.

After spending almost two years on the investigation, Jones turned over the results of the audit to the attorney general's office in January 2014, apparently believing it had uncovered important information.

For a year and a half, the attorney general sat on the findings. Then, in May 2015, Pruitt announced that he wouldn't press charges. In addition, he vowed to keep the audit secret by refusing to release it.

Jones fired back at the attorney general's office days later, penning a letter to Pruitt that described his rationale for withholding the audit as "baffling."

"To our knowledge, the individuals named in the report are members of a public trust or contractor whose services were retained as part of this substantive project," Jones wrote. Further, he contended, "our office has received no inquiries from you or your staff regarding the content of the audit report."

Pruitt justified the secrecy by comparing the investigation results to the findings of a grand jury. "Specifically, our office is concerned about publication of unsubstantiated criminal allegations against private citizens," Pruitt wrote in a 2015 statement.

In an interview with POLITICO, Pruitt appeared to go one step further, suggesting the audit had in fact been vetted by a grand jury.

"You're addressing issues that it's been some months since I've looked into," Pruitt said. "I know the decision I made at that time was based upon the investigative audit. The investigative audit didn't yield anything to the grand jury, and, as such, it was important to protect the individuals' reputation that were in that investigation."

But when asked to clarify, a Pruitt staff member indicated that he was using the term "grand jury" as shorthand for the Multi-County Grand Jury Unit, a division of the AG's office, headed at the time by a Pruitt appointee, which decides whether to take cases to a grand jury for

indictment.

It's not the same as a grand jury finding. Nonetheless, the attorney general's office, now overseen by Mike Hunter, Pruitt's former top deputy, has denied all open records requests for the audit, declaring it to be "under the supervision of the Multi-County Grand Jury Unit." A spokeswoman for the Oklahoma attorney general's office said that if there was in fact a grand jury, the office couldn't confirm or deny that.

These rationales befuddle open records experts.

"I don't think there's anything in the law that would prohibit it [the investigation] from being released," said Joey Senat of Oklahoma State University, the president of FOIA Oklahoma. "The law doesn't require that the audit be kept secret. What would its release be harming? They've closed the investigation and decided not to prosecute."

Jones, who is now running for governor, reiterated his call for the attorney general's office to release the audit, saying in a statement that "regarding any investigation of this kind, we always err on the side of transparency and the people of Oklahoma have a right to know."

Concluded Senat: "When you have the state auditor [Gary Jones] saying these are not unsubstantiated claims and this is a serious problem, good government would call for letting the public know what happened and showing the public the audit. Transparency helps alleviate a lot of concerns about favoritism, corruption, and incompetency—if those are indeed unfounded."

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**Tar Creek today** looks like an abandoned landfill. Illegal dumping has added a fresh layer of grime to the already ruined patch of earth. Giant craters from collapsed mine shafts, some as large as 200 feet in diameter, are filled with Bud Light cans, shotgun shells and the tangled remains of kids' playground equipment. "We call this urban renewal, Picher style," quipped former resident Gloria Workman.

Abandoned houses that were not part of the buyout are now coated with graffiti. The charred remains of the former mining museum in Picher, which burned down at the hands of arsonists, stands as a teetering monument to Tar Creek's former way of life. And the sense of danger and destruction extends beyond the former buyout area: On rainy days, local fields used for football practice bleed a toxic shade of orange.

The EPA is continuing its now 33-year-old cleanup effort, and it's thrust the Quapaws back into stewardship of the land. Although the tribe leased away or sold off significant chunks of Tar Creek to mining companies throughout the 20th century, the Quapaws have at least temporarily regained control of all of it. Since 2012, the tribe—a sovereign nation with roughly 5,500 members—has been the primary EPA contractor for environmental remediation at Tar Creek. It's the first time any tribe has been a prime contractor on a Superfund site, assigning all the contracts and overseeing all the work.

"It's a great story," said Craig Kreman, assistant environmental director of the Quapaw tribe. "We're employing tribal members a lot of the time and members of the community. So that income [from the EPA contract] stays here in this community and is being spent in this community. We're not hiring a contractor out of Georgia."

Every day, a steady stream of trucks haul away more than 2,000 tons of soil saturated with cadmium, lead and other metals at the site. Each patch of earth requires years of passive soil treatments before it tests clean enough to plant row crops like winter wheat. Half-acre by half-acre, the hope is that Tar Creek can be put into productive agricultural use decades from now.

In August, after touring the abandoned area and surrounding towns, Pruitt's senior adviser Albert "Kell" Kelly, praised the EPA's efforts surrounding Tar Creek in sweeping terms: "People from all across the country count on the Superfund program to address pollution and revitalize their communities. Tar Creek cleanup is an excellent example of how the program should work. State and local partners, tribal partners, and EPA—all working together year after year to address historical pollution at this mega-site. It's cooperative federalism working at its best."

But many local observers, including Ed Keheley, aren't nearly as positive.

"Usually, the EPA comes in, they do their dirty work, sprinkle some wheat seed, take a picture to show Congress, and next year it looks like this," he said, pointing to a barren pasture. "Clearly, the EPA hasn't had the best interests of the people at heart. So I get personally offended when people like Scott Pruitt suggest otherwise."

For his part, Pruitt announced a fresh grant of \$5 million to the Quapaw-led project last May, and he is quick to distance this experiment in local control from the one that preceded it.

"We [the EPA] can't impact the buyout. We didn't authorize the buyout. I didn't manage the buyout and its unique situation," Pruitt said. "I think what's most tangible is what we can do together with the tribe to advance and continue remediation."

When asked to respond to the undying complaints of residents in rural Ottawa County, where Tar Creek is located—a county in which Trump received 71 percent of the vote in November 2016—Pruitt changed the subject. "I had no experience with Tar Creek, to be honest with you," he said.

That's true, except it was his office's decision, when he was attorney general, not to prosecute the people accused of mishandling the trust money, Keheley and other local residents point out.

But what galls them more than the failure to prosecute is the failure to release the results of a government investigation—an audit that they believe will raise questions about Pruitt's unwillingness to press charges and cast a negative light on a project near and dear to Inhofe's heart.

Pruitt's connections to Inhofe are extensive. One of Pruitt's first hires as EPA chief was Ryan Jackson, a longtime Inhofe staffer and the senator's point person on Tar Creek, who is now

Pruitt's chief of staff. He also brought on four other former aides to Inhofe, the Senate's leading proponent of the idea that man-made pollution contributing to climate change is a conspiracy and a hoax. Three of them are Pruitt's senior advisers on air, climate and legal issues.

"It gives me a level of comfort to know that we have a bureaucracy that's actually going to be serving instead of ruling," Inhofe told the *Washington Post*, applauding Pruitt for hiring his staff.

Numerous veteran Oklahoma political watchers, some of whom spoke to POLITICO on condition of anonymity, suggest that there may be an ulterior motive in Pruitt's embrace of Inhofe: It's widely believed that Pruitt, who is 49, wants to run for Inhofe's seat when the senator retires. Many observers think Inhofe is unlikely to seek reelection in 2020, when he'll be 85. And some have noted that Pruitt's decision not to advance the case against the buyout trust spared Inhofe the embarrassment of seeing the program he personally tailored and promoted go down in scandal.

"Pruitt is a rising Republican political star previously in Oklahoma and now nationally," said one journalist who closely follows the Oklahoma political scene. "There have been rumblings that Pruitt might have his eye on higher office. ... Pruitt would do everything to keep Inhofe close, assuming he wants to run for that seat."

Wally Kennedy, the *Joplin Globe* columnist who has covered the Tar Creek trust more closely than any other journalist, said, "My sense of the way that unfolded was that Pruitt decided he was not going to do any kind of prosecution, and then Inhofe writes a letter saying what an outstanding job the trust did. My reaction was 'Huh?'"

"The fact that the audit was not publicly disclosed tells me that somebody is hiding something," he added. "This is Oklahoma taxpayers' money being committed to ratting out what appears to be some apparent corruption. But everybody looks the other way. That's why I'm talking to you. Because if you can shed a light on this, maybe somebody will say 'We need to take a second look at this.'"

Pruitt, however, insists his decisions were strictly based on the law, and an Inhofe staffer flatly dismissed the possibility of Inhofe influencing Pruitt's decision.

"Senator Inhofe would have had no involvement in the case or in any of then-Attorney General Pruitt's decisions," the staffer said.

Pruitt was similarly bemused by the idea that there would have been any sort of political calculation behind his decision to shield the audit. The only politics in this case, he suggested, was on the part of those who want to embarrass him and Inhofe.

"You would think that this wouldn't be a political issue, that people wouldn't put on the red and blue jerseys," Pruitt said in frustration.

Others argue that transparency in this case is not a political issue as much as a legal right.

"The open records act seems pretty clear this audit should be released," said Stevens, executive director of Campaign for Accountability. "You have to ask why he's not releasing it? Pruitt should have to be held accountable for this."

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### **Pruitt named chair of Gulf Coast Ecosystem Restoration Council [Back](#)**

By Anthony Adragna | 12/06/2017 07:28 PM EDT

President Donald Trump announced today that EPA Administrator Scott Pruitt would chair the Gulf Coast Ecosystem Restoration Council.

The group, formed in 2012 after the Deepwater Horizon oil spill, helps restore the ecosystems and economies of the Gulf Coast. Pruitt was unanimously selected by Alabama, Florida, Louisiana, Mississippi and Texas, the five states on the council.

"I am honored to be selected by the states and look forward to working with the governors to continue the excellent work of this Council to further the critical mission of restoring the Gulf of Mexico ecosystem," he said in a statement.

Pruitt named Kenneth Wagner, a senior adviser, to be his designee on the council. He takes over the chairmanship from the Secretary of Agriculture.

**WHAT'S NEXT:** Pruitt begins his chairmanship of the group.

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### **Powelson says McIntyre to be sworn in Thursday [Back](#)**

By Eric Wolff | 12/06/2017 03:33 PM EDT

New FERC Chairman Kevin McIntyre will be sworn in on Thursday, FERC Commissioner Rob Powelson told an audience of electric power officials in Philadelphia today.

"At a general session this afternoon in Philadelphia, one of the key speakers was FERC Commissioner Rob Powelson, and during his speech this afternoon he confirmed that Kevin McIntyre will be sworn in tomorrow," PJM Interconnection spokeswoman Susan Buehler said.

President Donald Trump nominated McIntyre, a partner at the law firm of Jones Day, to be

commissioner and designated him to be chair months ago. The Senate confirmed him in early November, and he received his signed commission just before Thanksgiving.

His swearing in will put to rest rumors that either the Trump administration or McIntyre himself were delaying his start date to give current Chairman Neil Chatterjee enough service time to make staffing changes. Chatterjee will miss that deadline by a day.

It also puts McIntyre in charge of the process initiated by Energy Secretary Rick Perry that is aimed at supporting coal-fired and nuclear power plants in an effort to protect the power grid's resilience. Action on that proposal is expected by Monday.

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### **EPA to hold more hearings on Clean Power Plan withdrawal [Back](#)**

By Emily Holden | 12/06/2017 03:28 PM EDT

EPA will hold three additional public hearings on a proposal to withdraw the Clean Power Plan, in San Francisco; Gillette, Wyo.; and Kansas City, Mo., the agency announced today.

EPA Administrator Scott Pruitt in a press release said the change was "due to the overwhelming response" to two days of hearings in West Virginia last week. Many environmental advocates criticized EPA for initially scheduling hearings only in coal country.

The agency will announce the dates and locations of the meetings in the coming weeks, and speakers must [register](#).

The Obama administration, by comparison, held public hearings on the proposed climate standards in 2015 in Pittsburgh, Denver, Atlanta and Washington, D.C.

**WHAT'S NEXT:** Comments on the draft withdrawal are due Jan. 16.

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### **Republicans divided over taking up tax extenders this year [Back](#)**

By Brian Faler | 12/06/2017 05:40 PM EDT

Republican leaders are divided over whether to take up a second tax-cut bill this year.

Senate Republicans want to move legislation reviving a rump group of tax "extenders," separate from their more sweeping plan to rewrite the code.

But the House's top tax writer isn't so sure.

"I don't like the extenders," said House Ways and Means Chairman [Kevin Brady](#) (R-Texas). "It's horrible policy and process."

"No decision yet," he added, saying lawmakers need to talk it over.

His comments came after Sen. [John Thune](#), the chamber's No. 3 Republican, said today lawmakers will revive biodiesel, geothermal and other energy-related breaks along with other "cats and dogs," including a tax credit to maintain short-line railroads.

Thirty-four temporary tax provisions expired at the end of last year, including 16 energy ones, and lawmakers are now facing demands to revive them. Some want to attach the provisions to funding legislation needed to keep the government open [H.J. Res. 123 \(115\)](#).

Many Republicans had sworn off the "extender" ritual after a 2015 tax agreement made many of the breaks permanent while giving others what lawmakers said was one final extension — which, for some, ended last year.

Putting together an extender bill, even as lawmakers negotiate a final compromise on their tax-overhaul plans, is likely to test tax writers' bandwidth.

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## **Solar pitches target Trump at USTR hearing [Back](#)**

By Eric Wolff | 12/06/2017 03:46 PM EDT

Supporters of tough trade tariffs on solar energy equipment and their opponents squared off again at a hearing of the U.S. Trade Representative today. with both sides coloring their arguments in language aimed at swaying the White House.

The two companies seeking tariffs on foreign shipments of solar panels and cells, Suniva and SolarWorld Americas, pressed the case that barriers were vital for protecting U.S. manufacturing of the clean energy technology because of its importance for national security — issues at the heart of President Donald Trump's "America First" agenda.

"A strong remedy is required to persevere the U.S. industry, provide breathing space for this American-invented manufacturing technology," said Matt Card, vice president of operations for bankrupt Suniva. "Anything less would ... result in the loss of this industry. That would have a



dramatic negative impact on national security."

Witnesses at the hearing opposed to instituting tariffs raised the same issues, but contended that trade barriers would threaten other businesses, and that the benefits of tariffs would help only a narrow segment of the solar industry.

"Factories in South Carolina and across the nation would suffer from solar tariffs," South Carolina Gov. Henry McMaster told the panel. "While there is only one operating factory in the U.S. petitioning for these tariffs, there are over 50 American-owned factories employing thousands of people that would be the ones harmed, including a steel mill in South Carolina that provides American-made steel for many of the U.S. factories that produce metal equipment for the utility scale solar farms."

The panel, which included representatives from the departments of Energy, Treasury, State, Labor and Commerce, and from the Council of Economic Advisers, appeared unmoved by the national security arguments, and instead peppered parties with detailed questions about the potential tariffs' impacts on U.S. solar power demand. Panel members also questioned whether a few years of trade protections would be enough time for Suniva and SolarWorld to hike their production enough to catch up to overseas competition.

They pressed witnesses from both side on how tariffs would effect the domestic solar market, whether a modest tariff would be effective, and their opinions on the recommendations the U.S. International Trade Commission sent the White House last month. ITC members recommended a range of options, from sliding scale of tariffs to a cap on total shipments.

The Trade Representative will send the White House a recommendation, and Trump has until Jan. 26 to make a decision.

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Message

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**From:** Torma, Tim [Torma.Tim@epa.gov]  
**Sent:** 7/7/2017 6:28:44 PM  
**To:** Bolen, Brittany [bolen.brittany@epa.gov]  
**CC:** Flynn, Mike [Flynn.Mike@epa.gov]; Rees, Sarah [rees.sarah@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Kime, Robin [Kime.Robin@epa.gov]  
**Subject:** 07/07/2017 Hot Topics  
**Attachments:** Hot Topics 07-07-2017.docx

Brittany,

Attached are the hot topic items pulled from the weekly reports. Please let me know if you or others want more information on any of the items or have any questions.

TT

Message

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**From:** Beck, Nancy [Beck.NancyB@epa.gov]  
**Sent:** 5/7/2018 1:19:03 PM  
**To:** McGartland, Al [McGartland.Al@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]  
**Subject:** FW: ACTION - Dust Lead Hazard Standard Technical Support Document for Comment - Comments due NOON FRIDAY 5/4  
**Attachments:** Dust Lead Hzrd--Main Body Dft\_5-1-18. pm.docx

FYI—we will discuss comments on this tomorrow.

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**From:** Scheifele, Hans  
**Sent:** Wednesday, May 2, 2018 8:52 AM  
**To:** Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>  
**Cc:** Henry, Tala <Henry.Tala@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Williams, Shirel <williams.shirel@epa.gov>  
**Subject:** ACTION - Dust Lead Hazard Standard Technical Support Document for Comment - Comments due NOON FRIDAY 5/4

Nancy/Charlotte,

Attached for review is the Lead Technical Support Document which has been revised to incorporate Agency work group comments. RAD is asking for comments by noon this Friday 5/4 so the workgroup can continue to meet the ambitious schedule. We realize this is a very tight turnaround, please let me know if you have any questions or we may assist in any way.

Thanks,  
Hans

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